

Carnegie Endowment for International Peace
DIVISION OF INTERNATIONAL LAW

**THE HAGUE CONVENTIONS
AND DECLARATIONS
OF 1899 AND 1907**

ACCOMPANIED BY

**TABLES OF SIGNATURES, RATIFICATIONS
AND ADHESIONS OF THE VARIOUS POWERS
AND TEXTS OF RESERVATIONS**

EDITED BY
JAMES BROWN SCOTT
DIRECTOR

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**THE HAGUE
CONVENTIONS AND DECLARATIONS
OF 1899 AND 1907**

DEPARTMENT OF STATE

Washington, *December 23, 1914.*

Sir:

I received your letter of the 3d instant, requesting that the Department verify from its official records, the tables of signatures, ratifications, adhesions and reservations to the Conventions and Declarations of the First and Second Hague Conferences, which you enclosed and which you propose to issue as a publication of the Carnegie Endowment for International Peace.

In reply I have to advise you that such verification has been made, and that the enclosed tables as corrected are regarded as accurate and complete, so far as shown by the archives of the Department.

It is desired that the enclosed corrected tables be returned to the Department for the completion of its files, as soon as they have been printed.

I am, sir,

Your obedient servant,

ROBERT LANSING,
Counselor.

DR. JAMES BROWN SCOTT,
Director, Division of International Law,
Carnegie Endowment for International Peace,
2 Jackson Place, Washington, D. C.

ROYAL LEGATION OF THE NETHERLANDS

Washington, *February 27, 1915.*

My dear Sir:

I have been instructed by the Minister of Foreign Affairs at The Hague to return to you the enclosed Pamphlet No. 3 of the Division of International Law of the Carnegie Endowment for International Peace, and advise you that there was not a single correction or addition to be made in its contents.

Mr. Loudon adds that he should feel very obliged to you if you would send him some more copies of the pamphlet in question and asks me to hand you the enclosed two lists made up by the Royal Department of Foreign Affairs concerning the same subject.

Believe me, dear Mr. Scott,

Yours sincerely,

W. L. F. C. v. RAPPARD,
Minister from the Netherlands

MR. JAMES BROWN SCOTT,
Carnegie Endowment for International Peace,
2 Jackson Place, Washington, D. C.

ROYAL LEGATION OF THE NETHERLANDS

Washington, D. C., *7 October 1915.*

Referring to your letter of September 30, 1915, the Royal Netherlands Legation begs to inform you that according to a cable received from the Minister of Foreign Affairs at The Hague no changes have been made in the tables of signatures, adhesions, ratifications, and reservations concerning the Conventions referred to in the above letter, since February 27th last.

To the

Carnegie Endowment for International Peace,
2 Jackson Place, Washington, D. C.

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PREFACE

In view of the very great interest at the present time in the Conventions and signed Declarations of the First and Second Hague Conferences, and because of the need of accurate information as to ratifications of and adhesions to the Conventions and Declarations relating to war, the Endowment has prepared a series of pamphlets in order that the public may learn from reliable sources the status of these international agreements and the extent to which the Powers at war are bound by their provisions. The pamphlets have now been brought together and issued in volume form, to which there have been added introductory matter and a carefully prepared and elaborate index.

Attention is called to the tables of signatures, ratifications, adhesions and reservations of the two Conferences, pages 229 *et seq.* The compilation has been made from official sources, and the tables have been certified as correct by the Department of State of the United States and by the Minister of Foreign Affairs of the Netherlands. In all cases the reservations contained in the proceedings of the two Conferences, but only referred to in the tables issued by the International Bureau of the Permanent Court of Arbitration, have been translated and printed in full, with the references to the official reports where the reservations are found. Without the complete text of a reservation, it is impossible to know to what extent a Power is bound.

The Conventions and signed Declarations of the two Conferences are accompanied by the respective lists of countries which have (a) *ratified*, or (b) *adhered to*, or (c) *signed but not ratified* them, with the date of the particular action taken. Each Convention or Declaration is followed also by the texts of reservations.

The English translations of the original French texts of the several Conventions and Declarations, and Final Acts of the Conferences reproduce the official translations of the Department of State, except that a few obvious misprints and occasional mistranslations have been corrected. Marginal notes have been added to facilitate reference.

The Conventions and Declarations are numbered as in the Final Acts.

The official published proceedings of the First Conference are referred to in the footnotes as *Procès-verbaux*, those of the Second as *Actes et documents*. The full titles of the publications are respectively: (1) *Conférence internationale de la paix. La Haye, 18 mai-29 juillet, 1899. Ministère des affaires étrangères. Nouvelle édition. La Haye. Martinus Nijhoff, 1907*; (2) *Deuxième conférence internationale de la paix. La Haye, 15 juin-18 octobre, 1907. Actes et documents. Ministère des affaires étrangères. La Haye, imprimerie nationale, 1907.*

J. B. S.

WASHINGTON, D. C.,
February 27, 1915.

In the reprint of the present volume a few additions have been made to the Introduction and to the section of preliminary documents. These additions, which were suggested by friendly criticism, show in more detail the relation of President Roosevelt and the Russian Government to the calling of the Second Conference and the steps taken to bring about the Additional Protocol to the Prize Court Convention.

J. B. S.

WASHINGTON, D. C.,
October 1, 1915.

INTRODUCTION

In order that the reader may have a clear idea of the origin and nature of the Hague Conferences, some remarks of a general nature are prefixed, and some documents relating to the call, the nature, and the scope of the Conferences have been printed by way of introduction.

On August 12/24, 1898, the Russian Minister of Foreign Affairs, Count Mouravieff, handed to the diplomatic representatives at Petrograd a circular note proposing a conference of the Governments having diplomatic representatives at the Imperial Court, to consider "a possible reduction of the excessive armaments which weigh upon all nations." The note declared the maintenance of general peace and the reduction of armaments "as the ideal toward which the endeavors of all Governments should be directed," and it further stated the belief of the Imperial Government "that the present moment would be very favorable for seeking, by means of international discussion, the most effective means of ensuring to all peoples the benefits of a real and lasting peace, and, above all, of limiting the progressive development of existing armaments."¹

The conference, therefore, was to meet in the interest of general peace and as a means to this general peace "progressive development of existing armaments" was to be checked, and a "possible reduction of the excessive armaments which weigh upon all nations" was to be attempted. The note, as was to be expected, was general in its terms, as its purpose was to state broadly the purpose of the conference and to secure an expression of opinion from the Powers invited.

As the result of an exchange of notes a second circular was handed, December 30, 1898/January 11, 1899, by Count Mouravieff to the diplomatic representatives at Petrograd. In this note the Russian Government stated, within the compass of a sentence, the Czar's purpose to be "the meeting of a conference with the object of seeking the most effective means of ensuring to all peoples the benefits of a real and lasting peace, and, above all, of limiting the progressive development of existing armaments." The second note, after mentioning "the cordial

¹*Post*, p. xv.

reception accorded by nearly all the Powers to the step taken by the Imperial Government," sketched a program for the conference.¹

While keeping the limitation of armaments to the fore, the note recommended the adaptation to naval war of the stipulations of the Geneva Convention of 1864, the revision of the Declaration of Brussels of 1874, dealing with land warfare, which had not been ratified, and, above and beyond all, "the acceptance, in principle, of the use of good offices, mediation, and voluntary arbitration, in cases where they are available, with the purpose of preventing armed conflicts between nations."

The Hague was selected for the meeting of the conference, and, at the request of Russia, the Netherland Government issued the invitations to the Powers accredited to Petrograd.²

The Conference, by a delicate compliment, assembled on the Czar's birthday, May 18, 1899, and adjourned on July 29, 1899. In all, twenty-six Governments were represented in the Conference. Of American countries, only the United States and Mexico took part.³

The Conference failed to effect the purpose for which it was originally called, as the larger Powers, particularly Germany, were unwilling to agree to a limitation, much less to a reduction, of armaments; but the Convention for the pacific settlement of international disputes was negotiated, which alone would have justified any conference. Notwithstanding the importance of this Convention, the Conference itself was more important than its labors, because it showed the possibility of twenty-six nations meeting in conference and agreeing upon meas-

¹*Post*, p. xvii.

²*Post*, p. xix.

³Brazil was accredited to Petrograd and was invited. In a note of the Brazilian Government dated January 27, 1899, the following reasons are given for declining the invitation:

"The crises through which Brazil has passed in recent years and which have greatly weakened her are too well known to need more than mention here; both our naval forces and our land forces have been greatly reduced and our financial condition is one of suffering.

"Accordingly, the only thought of the new administration is to reconstitute our credit, to develop our resources, and to reorganize our military forces in order to preserve peace. This is why my Government would not care to obligate itself to maintain the military *status quo*.

"Brazil, like Russia at an historical moment, is occupying herself with regaining her strength and desires to stand apart when possible from questions that do not touch her directly. Moreover, in view of her great distance and her lack of influence in the political affairs of Europe, her rôle in the Conference would be of no importance." [*Relatório apresentado ao presidente da República dos Estados Unidos do Brasil pelo ministro de estado das relações exteriores*, 1899, annex 1, p. 74.]

ures of interest to the world's welfare. An idea is generally greater than its realization.

The Conference from the time of its meeting was popularly called a Peace Conference, and the delegates appear to have accepted this designation without formal or official action.

It had been expected by Baron de Staal, the President of the Conference, that a new one would meet the next year.¹ The years slipped by, and Russia, which called the Conference, found itself at war with Japan. The Interparliamentary Union, at its meeting in St. Louis in 1904, therefore urged the President of the United States to call a second conference. President Roosevelt gladly acceded to this request and sounded the Powers as to their willingness to meet again in conference at The Hague. This was done by a note of Secretary of State Hay, dated October 21, 1904, to the American diplomatic representatives accredited to the Governments signatory to the Acts of the First Hague Conference.²

The Powers expressed their willingness to take part in a second conference, as is stated in the second note of Secretary Hay of December 16, 1904.³

The termination of the Russo-Japanese War through the good offices of President Roosevelt turned the Czar's thoughts again to peace and to the Conference which he had called into being. The Russian Ambassador waited upon President Roosevelt, who had already secured the assent of the Powers to a second conference, and formally proposed on behalf of the Czar that a conference should be held at The Hague as soon as arrangements could be made for its meeting.⁴ With that chivalry so characteristic of him, President Roosevelt gladly complied⁵ with the request of the Czar, who thereupon resumed the initiative and himself proposed a second peace conference at The Hague.

The Powers accepted this invitation and the program was drafted by Russia in a note to Secretary of State Root, dated April 12, 1906.⁶ The Powers were invited by the Netherland Government in April,

¹Honorable Andrew D. White, first delegate of the United States to the First Conference says in his interesting and valuable *Autobiography* (vol. ii, p. 272):

"A delegate also informed me that in talking with M. de Staal the latter declared that in his opinion the present Conference is only the first of a series, and that it is quite likely that another will be held next winter or next spring."

²*Post*, p. xx. ³*Post*, p. xxiv. ⁴*Post*, p. xxvii. ⁵*Ibid*. ⁶*Post*, p. xxix.

1907, to meet at The Hague on June 15.¹ The Conference met as invited and adjourned on October 18, 1907.

It will be recalled that the United States and Mexico were the only American Powers represented at the first Conference. Brazil had been invited but had declined the invitation. The United States, however, was unwilling to participate in a second Conference unless the other Republics of America were asked to attend. It was advisable, if not necessary, that the American Republics should formally approve and agree to be bound by the various Hague agreements. Therefore the American States which did not subscribe to the three Conventions signed at The Hague on July 29, 1899, formally recognized "as a part of public international American law the principles set forth therein."² The Convention for the pacific settlement of international disputes was, however, what is known as a closed Convention; that is to say, it could be adhered to by Powers not participating in the First Conference only by the consent of the signatory Powers. The United States and Mexico were authorized on January 15, 1902, by the Second Pan American Conference, which met at Mexico, "to negotiate with the other signatory Powers of the Convention for the adherence thereto of the American nations so requesting and not now signatory to the said Convention."² Through the good offices of the United States an agreement was reached and a protocol signed at The Hague on June 14, 1907, "to enable the States that were not represented at the First Peace Conference and were invited to the Second to adhere to the aforesaid Convention."³ A *procès-verbal* of adhesions was drawn up the next day, which the Latin American States promptly signed.⁴ They thus became entitled to the benefits of this epoch-making Convention. Likewise, through the good offices of the United States, due to the enlightened statesmanship and generous forethought of Secretary Root, the Latin American Republics not invited to the First Conference were invited to the Second, and, with the exception of Honduras, which unfortunately was in the throes of a revolution, and of Costa Rica, which did not send delegates, they were all represented and took part in the Conference.

The Conventions of 1899 were revised and some ten new ones adopted by the Second Conference. But important as these documents were and are, the Conference itself was still more important.

¹*Post*, p. xxxi.

²Senate Document No. 330, 57th Cong., 1st sess., p. 37.

³*Post*, p. xxxii.

⁴*Ibid*.

The First Conference was in the nature of an experiment, which showed, however, that the representatives of twenty-six States could meet and confer and devise measures of use to mankind. The Second Conference, in which forty-four States were represented, demonstrated that practically all nations of the world, recognizing and applying international law, could meet together, discuss and debate matters of universal interest, and, just as smaller and more exclusive bodies, reach results of the greatest value to mankind. The Hague Conference thus passed through the experimental stage and became a recognized international institution.

What is the nature of this international institution? It is sometimes called the Parliament of Man, but this title is both misleading and inaccurate. It is not a parliament in the technical sense, and its actions only affect the States represented. It is a diplomatic body in which each State may be represented by as many delegates as it chooses to send, but its delegates, however numerous, vote as a unit; that is to say, each State has but a single vote. Each State is recognized in international law as the equal of every other State before the law. No authority should be needed for this axiom, but as large States are often said to have greater rights than little ones, thus confusing legal right with political influence, the measured and impressive language of Chief Justice Marshall should be quoted on this point. In the *Antelope* (10 Wheaton 63, 122), decided by the Supreme Court of the United States in 1825, that great and just judge said, speaking for a unanimous Court:

No principle of general law is more universally acknowledged than the perfect equality of nations. Russia and Geneva have equal rights. It results from this equality that no one can rightfully impose a rule on another. Each legislates for itself, but its legislation can operate on itself alone.

Likewise, on the point of equality, Sir William Scott (Lord Stowell), another great judge of the English-speaking peoples, had already said, in the *Louis* (2 Dodson, 210):

I have to observe, that two principles of public law are generally recognized as fundamental. One is the perfect equality and entire independence of all distinctive States. Relative magnitude creates no distinction of right; relative imbecility, whether permanent or casual, gives no additional right to the more power-

ful neighbor ; and any advantage seized upon that ground is mere usurpation. This is the great foundation of public law, which it mainly concerns the peace of mankind, both in their politic and private capacities, to preserve inviolate. The second is, that all nations being equal, all have an equal right to the uninterrupted use of the unappropriated parts of the ocean for their navigation.

It necessarily follows that no State is superior to the other, as among equals there is not and can not be a superior. Hence, a State is only bound by the action of the Conference if it consents to it. The unanimity rule prevails in diplomatic conferences. Majorities and minorities, in the parliamentary sense of the word, are unknown.

A body of this kind is, as its name implies, a Conference. It is not a legislature. Its Conventions are recommendations to the Governments participating in the Conference to adopt them according to their respective laws and to deposit the ratifications of them, in accordance with the terms of the Conventions, at The Hague. The signing of a Convention by the delegates at The Hague creates no legal obligation. As the delegates act under instructions it does, however, create a moral obligation to submit the Conventions and signed Declarations to the appropriate branch of the Government in order to be duly approved by this body and to invest them with the force of law in so far as the particular country is concerned. The Conventions and signed Declarations become binding only after the ratifications have been deposited at The Hague.

It sometimes happens that a nation does not sign a Convention. It may later change its mind. If the time is past for signing it may, however, adhere to the Convention, and the deposit of the instrument of adherence at The Hague, in accordance with the terms of the Convention, has the effect of ratification. It should be said that only the formal agreements of the Conference, such as the Conventions and signed Declarations, are ratified. The informal agreements, such as the unsigned declarations, resolutions, recommendations and *vœux* (a cross between a wish and a hope), are not signed separately. The formal Conventions and signed Declarations are in the nature of contracts which, when ratified and deposited at The Hague, become binding upon the ratifying Governments. The informal agreements are not contracts. They are expressions of opinion by the Conference and, as such, have a moral, though not a legal, value. They are not issued separately but are contained in the Final Act, which is an

official summary of the proceedings of each Conference. As such it is signed by the delegates but not ratified by the participating States.

It is not the purpose of this brief note to comment in detail upon the formal or informal agreements of the Conferences, as they speak for themselves. It is, however, advisable to make some general observations upon the Conventions and signed Declarations dealing with war, upon the Prize Court Convention, and upon the Convention for the establishment of a Court of Arbitral Justice.

Most of the Conventions and the signed Declarations concerning war contain a clause to the effect that they only bind belligerents which have ratified them, and then only if all the belligerents are contracting Powers. It is therefore necessary to ascertain whether all belligerents have ratified a particular Convention before pronouncing it to be in effect as regards them. It should, however, be pointed out that the failure of a belligerent to ratify a particular Convention only means that the Convention as such is not binding upon it; it does not and can not mean that the principles of law contained in the Convention may not bind the conduct of the parties. It is therefore necessary still further to ascertain whether the provisions of the Convention are merely a codification of international law. In this event the provisions are binding as international law, although the Convention itself, or this part of it, may be ineffective. A careful examination of the Conventions of the two Conferences will show that most of their provisions are declaratory, not amendatory, of international law, and that the failure of one Power or of any number of Powers to ratify them is merely to be regarded as the rejection of a codified text, not as the rejection of principles of international law, which no Power can reject without excluding itself from the society of nations.

A word should be said about the Additional Protocol to the Convention for the International Prize Court. By this Convention an appeal could be taken from the judgment of the highest court of a particular country to the Prize Court at The Hague, a provision which met with some opposition in the United States on the ground that it might be in conflict with the Constitution (article III, section 1), which vests the judicial power of the United States in the Supreme Court thereof. Secretary Root therefore proposed that, to obviate possible constitutional difficulties, the question at issue between the Governments and not the judgment of the court of last resort should be submitted to the International Prize Court. The result would be a decision upon

the merits of a case without a reversal of the national judgment. Accordingly he took advantage of a conference of maritime Powers, called by Great Britain in 1908 for the formulation of rules of international law to be observed by the International Prize Court, to secure such a modification of the Prize Court Convention.¹ The Conference sitting in London from December 4, 1908, to February 26, 1909, approved the proposal in principle but, feeling that it was beyond its scope, suggested that an agreement should be reached with the various signatories of the original Convention through diplomatic channels.² Secretary Bacon, Mr. Root's successor, thereupon notified the Powers represented at the London Conference that this method of procedure was acceptable to the United States and that it would "send an identic circular note to each of the participating powers, setting forth at length the reasons which influence the United States to request a rehearing *de novo* of a question involved in a national prize decision, and the means whereby this change of procedure may be effected without interfering with the rights of governments or individuals under the prize court convention."³ Therefore Secretary Knox sent an identic circular note⁴ dated October 18, 1909, in accordance with the notice given by his immediate predecessor, in which he fully explained the reasons of a constitutional nature which induced the United States to request a modification of the Prize Court Convention and suggested the alternative procedure by which the objection could be removed. As the result of negotiations based upon the terms of this note an additional protocol modifying the Prize Court Convention in this sense was signed at The Hague, September 19, 1910, by thirteen Powers and has since been signed by every signatory of the original Convention.⁵ The text of this document is therefore included in the collection, as it is necessary to a correct understanding of the nature and functions of the proposed Prize Court.

Finally, the attention of the reader should be called to the fact that a draft convention for the establishment of a permanent court of

¹*Foreign relations of the United States*, 1909, pp. 300, 304.

²*Ibid.*, p. 318.

³*Ibid.*, 1910, p. 599.

⁴*Ibid.*, p. 597.

⁵"By order of my Government I have the honor to inform Your Excellency that the additional protocol to the Convention relative to the creation of an International Prize Court has now been signed by all the States signatory to the said Convention." (Mr. Loudon, Minister of the Netherlands, to the Secretary of State of the United States, August 14, 1911.)

justice was adopted by the Second Conference. Unable to agree upon the method of appointing the judges, the Conference nevertheless declared itself in favor of instituting the Court, through diplomatic channels, after the adjournment of the Conference, as appears from the following *varu*:

The Conference recommends to the signatory Powers the adoption of the annexed Draft Convention for the creation of a Judicial Arbitration Court, and the bringing it into force as soon as an agreement has been reached respecting the selection of the judges and the constitution of the Court.

Like the Prize Court, the Court of Arbitral justice has not yet been established, but there can be no doubt that one or the other will be constituted, or that a tribunal with the jurisdiction of both will be created and be installed at The Hague at no distant date.

It has been said that the Hague Conference, from being an experiment, has become an institution. In support of this statement the following passage is quoted from the Final Act of 1907:

Finally, the Conference recommends to the Powers the assembly of a Third Peace Conference, which might be held within a period corresponding to that which has elapsed since the preceding Conference, at a date to be fixed by common agreement between the Powers, and it calls their attention to the necessity of preparing the program of this Third Conference a sufficient time in advance to ensure its deliberations being conducted with the necessary authority and expedition.

Eight years intervened between the First and the Second Conference. The Third therefore should, in accordance with this recommendation, have been held in 1915. The date of meeting, however, is unimportant, if it be admitted that the meeting should and must take place. The Conference should meet automatically at regular, stated periods. It will doubtless do so, and when an international conference meets at short intervals at The Hague the world will have an institution which can not only codify but can develop international law to meet the needs of nations, binding all because made and accepted by all, and adopt measures conceived not in the interest of any one country but of all countries, for the Conference is in reality a law-making body.

As to the value of the Hague Conferences, there can be no doubt.

On this point Secretary Root said, in submitting the Hague Conventions of 1907 for consideration by the Senate:

Let me go beyond the limits of the customary formal letter of transmittal and say that I think the work of the Second Hague Conference, which is mainly embodied in these Conventions, presents the greatest advance ever made at any single time toward the reasonable and peaceful regulation of international conduct, unless it be the advance made at the Hague Conference of 1899.

The most valuable result of the Conference of 1899 was that it made the work of the Conference of 1907 possible. The achievements of the two Conferences justify the belief that the world has entered upon an orderly process through which, step by step, in successive Conferences, each taking the work of its predecessor as its point of departure, there may be continual progress toward making the practice of civilized nations conform to their peaceful professions.¹

We must not expect too much at once. The world moves slowly, but it moves. To quote the graceful language of the creator of the Conference, the present enlightened Czar Nicholas: "One must wait longer when planting an oak than when planting a flower."

JAMES BROWN SCOTT,
Director of the Division of International Law.

¹Senate document No. 444, 60th Cong., 1st sess., p. 62.

DOCUMENTS CHIEFLY RELATING TO THE CALL OF THE CONFERENCES

RUSSIAN CIRCULAR NOTE PROPOSING THE FIRST PEACE CONFERENCE¹

The maintenance of general peace and a possible reduction of the excessive armaments which weigh upon all nations present themselves, in the existing condition of the whole world, as the ideal towards which the endeavors of all Governments should be directed.

The humanitarian and magnanimous views of His Majesty the Emperor, my august master, are in perfect accord with this sentiment.

In the conviction that this lofty aim is in conformity with the most essential interests and the legitimate aspirations of all Powers, the Imperial Government believes that the present moment would be very favorable for seeking, by means of international discussion, the most effective means of ensuring to all peoples the benefits of a real and lasting peace, and above all of limiting the progressive development of existing armaments.

(In the course of the last twenty years the longings for a general state of peace have become especially pronounced in the consciences of civilized nations. The preservation of peace has been put forward as the object of international policy. In its name great States have formed powerful alliances; and for the better guaranty of peace they have developed their military forces to proportions hitherto unknown and still continue to increase them without hesitating at any sacrifice.)

All these efforts nevertheless have not yet led to the beneficent results of the desired pacification.

(The ever-increasing financial charges strike and paralyze public prosperity at its source; the intellectual and physical strength of the na-

¹Handed to the diplomatic representatives August 12/24, 1898, by Count Mouravieff, Russian Minister for Foreign Affairs, during the weekly reception in the Foreign Office, Petrograd. French text in *Actes et documents relatifs au programme de la Conférence de la paix, publiés d'ordre du Gouvernement* (The Hague, 1899); British Parliamentary Paper, Russia, No. 1, 1899, p. 1; French Diplomatic Document, *Conférence internationale de la paix, 1899*, p. 1. English versions in *Foreign relations of the United States*, 1898, p. 541; Holls, *The Peace Conference at The Hague*, p. 8; Scott, *The Hague Peace Conferences of 1899 and 1907*, vol. ii, p. 1; Moore, *Digest of International Law*, vol. 7, p. 78; Darby, *International Tribunals* (4th ed.), p. 634; and the British Parliamentary Paper above cited.

tions, their labor and capital, are for the most part diverted from their natural application and unproductively consumed; hundreds of millions are spent in acquiring terrible engines of destruction, which though to-day regarded as the last word of science are destined to-morrow to lose all value in consequence of some fresh discovery in the same field. National culture, economic progress, and the production of wealth are either paralyzed or perverted in their development.)

Moreover, in proportion as the armaments of each Power increase, so do they less and less attain the object aimed at by the Governments. Economic crises, due in great part to the system of amassing armaments to the point of exhaustion, and the continual danger which lies in this accumulation of war material, are transforming the armed peace of our days into a crushing burden which the peoples have more and more difficulty in bearing. It appears evident, then, that if this state of affairs be prolonged, it will inevitably lead to the very cataclysm which it is desired to avert, and the impending horrors of which are fearful to every human thought.)

In checking these increasing armaments and in seeking the means of averting the calamities which threaten the entire world lies the supreme duty to-day resting upon all States.

Imbued with this idea, His Majesty has been pleased to command me to propose to all the Governments which have accredited representatives at the Imperial Court the holding of a conference to consider this grave problem.

This conference would be, by the help of God, a happy presage for the century about to open. It would converge into a single powerful force the efforts of all the States which sincerely wish the great conception of universal peace to triumph over the elements of disturbance and discord. It would at the same time cement their agreement by a solemn avowal of the principles of equity and law, upon which repose the security of States and the welfare of peoples.

COUNT MOURAVIEFF.

ST. PETERSBURG, *August 12, 1898.*

RUSSIAN CIRCULAR NOTE PROPOSING THE PROGRAM OF THE FIRST
CONFERENCE¹ST. PETERSBURG, *December 30, 1898.*²

When, during the month of August last, my august master commanded me to propose to the Governments which have representatives in St. Petersburg the meeting of a conference with the object of seeking the most effective means of ensuring to all peoples the benefits of a real and lasting peace and, above all, of limiting the progressive development of existing armaments, there appeared to be no obstacle in the way of realization at no distant date of this humanitarian scheme.

The cordial reception accorded by nearly all the Powers to the step taken by the Imperial Government could not fail to strengthen this expectation. While highly appreciating the sympathetic terms in which the adhesions of most of the Powers were expressed, the Imperial Cabinet has been also able to collect, with lively satisfaction, evidence of the warmest approval which has reached it, and continues to be received, from all classes of society in various parts of the world.

Notwithstanding the strong current of opinion which exists in favor of the ideas of general pacification, the political horizon has recently undergone a decided change. Several Powers have undertaken fresh armaments, striving to increase further their military forces, and in the presence of this uncertain situation it might be asked whether the Powers consider the present moment opportune for the international discussion of the ideas set forth in the circular of August 12/24.

In the hope, however, that the elements of trouble agitating political centers will soon give place to a calmer disposition of a nature to favor the success of the proposed conference, the Imperial Government is of the opinion that it would be possible to proceed forthwith to a preliminary exchange of ideas between the Powers, with the object:

(a) Of seeking without delay means for putting a limit to the progressive increase of military and naval armaments, a question the solution of which becomes evidently more and more urgent in view of the fresh extension given to these armaments; and

¹Handed to the diplomatic representatives at Petrograd, January 11, 1899, by Count Mouravieff. French text in *Actes et documents relatifs au programme de la Conférence de la paix*; British Parliamentary Paper, Miscellaneous, No. 1, 1899, p. 2; French Diplomatic Document, *Conférence internationale de la paix*, 1899, p. 3. English versions in *Foreign relations of the United States*, 1898, p. 551; Holls, *op. cit.*, p. 24; Scott, *op. cit.*, vol. ii, p. 3; Moore, *op. cit.*, vol. 7, p. 80; Darby, *op. cit.*, p. 638; and the British Parliamentary Paper above cited.

²January 11, 1899, new style.

(b) Of preparing the way for a discussion of the questions relating to the possibility of preventing armed conflicts by the pacific means at the disposal of international diplomacy.

In the event of the Powers considering the present moment favorable for the meeting of a conference on these bases it would certainly be useful for the cabinets to come to an understanding on the subject of the program of its work.

The subjects to be submitted for international discussion at the conference could in general terms, be summarized as follows :

1. An understanding stipulating the non-augmentation, for a term to be agreed upon, of the present effective armed land and sea forces, as well as the war budgets pertaining to them ; preliminary study of the ways in which even a reduction of the aforesaid effectives and budgets could be realized in the future.

2. Interdiction of the employment in armies and fleets of new firearms of every description and of new explosives, as well as powder more powerful than the kinds used at present, both for guns and cannons.

3. Limitation of the use in field fighting of explosives of a formidable power, such as are now in use, and prohibition of the discharge of any kind of projectile or explosive from balloons or by similar means.

4. Prohibition of the use in naval battles of submarine or diving torpedo boats, or of other engines of destruction of the same nature ; agreement not to construct in the future war-ships armed with rams.

5. Adaptation to naval war of the stipulations of the Geneva Convention of 1864, on the base of the additional articles of 1868.

6. Neutralization, for the same reason, of boats or launches employed in the rescue of the shipwrecked during or after naval battles.

7. Revision of the declaration concerning the laws and customs of war elaborated in 1874 by the Conference of Brussels, and not yet ratified.

8. Acceptance, in principle, of the use of good offices, mediation, and voluntary arbitration, in cases where they are available, with the purpose of preventing armed conflicts between nations ; understanding in relation to their mode of application and establishment of a uniform practice in employing them.

It is well understood that all questions concerning the political relations of States, and the order of things established by treaties, as in general all questions which do not directly fall within the program adopted by the cabinets, must be absolutely excluded from the deliberations of the conference.

In requesting you, sir, to be good enough to apply to your Government for instructions on the subject of my present communication, I beg you at the same time to inform it that, in the interest of the great cause which my august master has so much at heart, His Imperial Majesty considers it advisable that the conference should not sit in the capital of one of the Great Powers, where are centered so many political interests, which might, perhaps, impede the progress of a work in which all countries of the universe are equally interested.

I have, etc.,

COUNT MOURAVIEFF.

CIRCULAR INSTRUCTION OF THE NETHERLAND MINISTER FOR FOREIGN
AFFAIRS TO THE DIPLOMATIC REPRESENTATIVES OF THE NETHER-
LANDS. INVITATION TO THE CONFERENCE¹

MR. MINISTER:

THE HAGUE, *April 6, 1899.*

The Imperial Government of Russia addressed on August 12/24, 1898, to the diplomatic representatives accredited to the Court of St. Petersburg a circular expressing a desire for the meeting of an international conference which should be commissioned to seek the most effective means of ensuring to the world a lasting peace, and of limiting the progressive development of military armaments.

This proposal, due to the noble and generous initiative of the august Emperor of Russia, having met everywhere with a most cordial reception, and obtained the general assent of the Powers, his Excellency the Minister for Foreign Affairs of Russia addressed December 30, 1898 (January 11, 1899) to the same diplomatic representatives a second circular, giving a more concrete form to the generous ideas announced by the magnanimous Emperor and indicating certain questions which might be specially submitted for discussion by the proposed conference.

For political reasons the Imperial Russian Government thought that it would not be desirable that the meeting of this conference should take place in the capital of one of the great Powers, and after being assured of the assent of the Governments interested, it addressed the Cabinet of The Hague with a view of obtaining its consent to the choice

¹French text in *Actes et documents relatifs au programme de la Conférence de la Paix*; British Parliamentary Paper, Miscellaneous, No. 1, 1899, p. 7. English versions in Holls, *op. cit.*, p. 32, and the Parliamentary Paper above cited.

of that capital as the seat of the conference in question. I at once took the orders of Her Majesty the Queen in regard to this request, and I am happy to be able to inform you that Her Majesty, our august sovereign, has been pleased to authorize me to reply that it will be particularly agreeable to her to see the proposed conference meet at The Hague.

Consequently, and in accord with the Imperial Russian Government, I have the honor to instruct you to invite the Government of to be good enough to be represented at the above-mentioned conference, in order to discuss the questions indicated in the second Russian circular of December 30, 1898 (January 11, 1899), as well as all other questions connected with the ideas set forth in the circular of August 12/24, 1898, excluding, however, from the deliberations everything which refers to the political relations of States or to the order of things established by treaties.

I trust that the Government to which you are accredited will participate in the great humanitarian work to be entered upon under the auspices of His Majesty the Emperor of All the Russias, and that it will be disposed to accept our invitation and to take the necessary steps for the presence of its representatives at The Hague on May 18, next, for the opening of the conference, at which each Power, whatever may be the number of its delegates, will have only one vote.

Please accept, Mr. Minister, renewed assurance of my high consideration.

W. H. DE BEAUFORT.

THE SECRETARY OF STATE OF THE UNITED STATES TO THE AMERICAN
DIPLOMATIC REPRESENTATIVES ACCREDITED TO THE GOVERNMENTS
SIGNATORY TO THE ACTS OF THE FIRST HAGUE CONFERENCE¹

DEPARTMENT OF STATE,
WASHINGTON, *October 21, 1901.*

SIR: The Peace Conference which assembled at The Hague on May 18, 1899, marked an epoch in the history of nations. Called by His Majesty the Emperor of Russia to discuss the problems of the maintenance of general peace, the regulation of the operations of war, and the lessening of the burdens which preparedness for eventual war

¹*Foreign relations of the United States*, 1904, p. 10.

entails upon modern peoples, its labors resulted in the acceptance by the signatory Powers of Conventions for the peaceful adjustment of international difficulties by arbitration, and for certain humane amendments to the laws and customs of war by land and sea. A great work was thus accomplished by the Conference, while other phases of the general subject were left to discussion by another conference in the near future, such as questions affecting the rights and duties of neutrals, the inviolability of private property in naval warfare, and the bombardment of ports, towns, and villages by a naval force.

Among the movements which prepared the minds of Governments for an accord in the direction of assured peace among men, a high place may fittingly be given to that set on foot by the Interparliamentary Union. From its origin in the suggestions of a member of the British House of Commons, in 1888, it developed until its membership included large numbers of delegates from the parliaments of the principal nations, pledged to exert their influence toward the conclusion of treaties of arbitration between nations and toward the accomplishment of peace. Its annual conferences have notably advanced the high purposes it sought to realize. Not only have many international treaties of arbitration been concluded, but, in the conference held in Holland in 1894, the memorable declaration in favor of a Permanent Court of Arbitration was a forerunner of the most important achievement of the Peace Conference of The Hague in 1899.

The annual conference of the Interparliamentary Union was held this year at St. Louis, in appropriate connection with the world's fair. Its deliberations were marked by the same noble devotion to the cause of peace and to the welfare of humanity which had inspired its former meetings. By unanimous vote of delegates, active or retired members of the American Congress, and of every parliament in Europe with two exceptions, the following resolution was adopted:

Whereas, enlightened public opinion and modern civilization alike demand that differences between nations should be adjudicated and settled in the same manner as disputes between individuals are adjudicated, namely, by the arbitrament of courts in accordance with recognized principles of law, this conference requests the several Governments of the world to send delegates to an international conference to be held at a time and place to be agreed upon by them for the purpose of considering:

1. The questions for the consideration of which the Conference at The Hague expressed a wish that a future conference be called.

2. The negotiation of arbitration treaties between the nations represented at the Conference to be convened.

3. The advisability of establishing an international congress to convene periodically for the discussion of international questions.

And this Conference respectfully and cordially requests the President of the United States to invite all the nations to send representatives to such a conference.

On September 24, ultimo, these resolutions were presented to the President by a numerous deputation of the Interparliamentary Union. The President accepted the charge offered to him, feeling it to be most appropriate that the Executive of the nation which had welcomed the conference to its hospitality should give voice to its impressive utterances in a cause which the American Government and people hold dear. He announced that he would at an early day invite the other nations, parties to the Hague Conventions, to reassemble with a view to pushing forward toward completion the work already begun at The Hague by considering the questions which the first Conference had left unsettled with the express provision that there should be a second conference.

In accepting this trust the President was not unmindful of the fact, so vividly brought home to all the world, that a great war is now in progress. He recalled the circumstance that at the time when, on August 24, 1898, His Majesty the Emperor of Russia sent forth his invitation to the nations to meet in the interests of peace the United States and Spain had merely halted in their struggle to devise terms of peace. While at the present moment no armistice between the parties now contending is in sight, the fact of an existing war is no reason why the nations should relax the efforts they have so successfully made hitherto toward the adoption of rules of conduct which may make more remote the chances of future wars between them. In 1899 the Conference of The Hague dealt solely with the larger general problems which confront all nations, and assumed no function of intervention or suggestion in the settlement of the terms of peace between the United States and Spain. It might be the same with a reassembled conference at the present time. Its efforts would naturally lie in the direction of further codification of the universal ideas of right and justice which we call international law; its mission would be to give them future effect.

The President directs that you will bring the foregoing considerations to the attention of the Minister for Foreign Affairs of the Gov-

ernment to which you are accredited and, in discreet conference with him, ascertain to what extent that Government is disposed to act in the matter.

Should his Excellency invite suggestions as to the character of the questions to be brought before the proposed Second Peace Conference, you may say to him that, at this time, it would seem premature to couple the tentative invitation thus extended with a categorical program of subjects of discussion. It is only by comparison of views that a general accord can be reached as to the matters to be considered by the new conference. It is desirable that in the formulation of a program the distinction should be kept clear between the matters which belong to the province of international law and those which are conventional as between individual Governments. The Final Act of The Hague Conference, dated July 29, 1899, kept this distinction clearly in sight. Among the broader general questions affecting the right and justice of the relation of sovereign States which were then relegated to a future conference were the rights and duties of neutrals, the inviolability of private property in naval warfare, and the bombardment of ports, towns, and villages by a naval force. The other matters mentioned in the Final Act take the form of suggestions for consideration by interested Governments.

The three points mentioned cover a large field. The first, especially, touching the rights and duties of neutrals, is of universal importance. Its rightful disposition affects the interests and well-being of all the world. The neutral is something more than an onlooker. His acts of omission or commission may have an influence—indirect, but tangible—on a war actually in progress; whilst on the other hand he may suffer from the exigencies of the belligerents. It is this phase of warfare which deeply concerns the world at large. Efforts have been made, time and again, to formulate rules of action applicable to its more material aspects, as in the declarations of Paris. As recently as April 28 of this year the Congress of the United States adopted a resolution reading thus:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress of the United States that it is desirable, in the interest of uniformity of action by the maritime States of the world in time of war, that the President endeavor to bring about an understanding among the principal maritime Powers with a view of incorporating into the permanent law of civilized

nations the principle of the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerents.

Approved, April 28, 1904.

Other matters closely affecting the rights of neutrals are the distinction to be made between absolute and conditional contraband of war, and the inviolability of the official and private correspondence of neutrals.

As for the duties of neutrals toward the belligerent, the field is scarcely less broad. One aspect deserves mention, from the prominence it has acquired during recent times, namely, the treatment due to refugee belligerent ships in neutral ports.

It may also be desirable to consider and adopt a procedure by which States non-signatory to the original Acts of the Hague Conference may become adhering parties.

You will explain to his Excellency the Minister of Foreign Affairs that the present overture for a second conference to complete the postponed work of the First Conference is not designed to supersede other calls for the consideration of special topics, such as the proposition of the Government of the Netherlands, recently issued, to assemble for the purpose of amending the provisions of the existing Hague Convention with respect to hospital ships. Like all tentative conventions, that one is open to change in the light of practical experience, and the fullest deliberation is desirable to that end.

Finally, you will state the President's desire and hope that the undying memories which cling around The Hague as the cradle of the beneficent work which had its beginning in 1899 may be strengthened by holding the Second Peace Conference in that historic city.

I am, sir, etc.,

JOHN HAY.

THE SECRETARY OF STATE OF THE UNITED STATES TO THE AMERICAN REPRESENTATIVES ACCREDITED TO THE GOVERNMENTS SIGNATORY TO THE ACTS OF THE FIRST HAGUE CONFERENCE¹

DEPARTMENT OF STATE,
WASHINGTON, *December 16, 1904.*

SIR: By the circular instruction dated October 21, 1904, the representatives of the United States accredited to the several Governments

¹*Foreign relations of the United States*, 1904, p. 13.

which took part in the Peace Conference held at The Hague in 1899, and which joined in signing the Acts thereof, were instructed to bring to the notice of those Governments certain resolutions adopted by the Interparliamentary Union at its annual conference held at St. Louis in September last, advocating the assembling of a Second Peace Conference to continue the work of the First, and were directed to ascertain to what extent those Governments were disposed to act in the matter.

The replies so far received indicate that the proposition has been received with general favor. No dissent has found expression. The Governments of Austria-Hungary, Denmark, France, Germany, Great Britain, Italy, Luxemburg, Mexico, the Netherlands, Portugal, Roumania, Spain, Sweden and Norway, and Switzerland exhibit sympathy with the purposes of the proposal, and generally accept it in principle, with the reservation in most cases of future consideration of the date of the conference and the program of subjects for discussion. The replies of Japan and Russia conveyed in like terms a friendly recognition of the spirit and purposes of the invitation, but on the part of Russia the reply was accompanied by the statement that in the existing condition of things in the Far East it would not be practicable for the Imperial Government, at this moment, to take part in such a conference. While this reply, tending as it does to cause some postponement of the proposed Second Conference, is deeply regretted, the weight of the motive which induces it is recognized by this Government and, probably, by others. Japan made the reservation only that no action should be taken by the conference relative to the present war.

Although the prospect of an early convocation of an august assembly of representatives of the nations in the interest of peace and harmony among them is deferred for the time being, it may be regarded as assured so soon as the interested Powers are in a position to agree upon a date and place of meeting and to join in the formulation of a general plan for discussion. The President is much gratified at the cordial reception of his overtures. He feels that in eliciting the common sentiment of the various Governments in favor of the principle involved and of the objects sought to be attained a notable step has been taken toward eventual success.

Pending a definite agreement for meeting when circumstances shall permit, it seems desirable that a comparison of views should be had among the participants as to the scope and matter of the subjects to

be brought before the Second Conference. The invitation put forth by the Government of the United States did not attempt to do more than indicate the general topics which the Final Act of the First Conference of The Hague relegated, as unfinished matters, to consideration by a future conference—adverting, in connection with the important subject of the inviolability of private property in naval warfare, to the like views expressed by the Congress of the United States in its resolution adopted April 28, 1904, with the added suggestion that it may be desirable to consider and adopt a procedure by which States non-signatory to the original Acts of the Hague Conference may become adhering parties. In the present state of the project, this Government is still indisposed to formulate a program. In view of the virtual certainty that the President's suggestion of The Hague as the place of meeting of a Second Peace Conference will be accepted by all the interested Powers, and in view also of the fact that an organized representation of the signatories of the Acts of 1899 now exists at that capital, this Government feels that it should not assume the initiative in drawing up a program, nor preside over the deliberations of the signatories in that regard. It seems to the President that the high task he undertook in seeking to bring about an agreement of the Powers to meet in a Second Peace Conference is virtually accomplished so far as it is appropriate for him to act, and that, with the general acceptance of his invitation in principle, the future conduct of the affair may fitly follow its normal channels. To this end it is suggested that the further and necessary interchange of views between the signatories of the Acts of 1899 be effected through the International Bureau under the control of the Permanent Administrative Council of The Hague. It is believed that in this way, by utilizing the central representative agency established and maintained by the Powers themselves, an orderly treatment of the preliminary consultations may be insured and the way left clear for the eventual action of the Government of the Netherlands in calling a renewed conference to assemble at The Hague, should that course be adopted.

You will bring this communication to the knowledge of the Minister for Foreign Affairs and invite consideration of the suggestions herein made.

I am, etc.,

JOHN HAY.

MEMORANDUM FROM THE RUSSIAN EMBASSY HANDED TO THE PRESIDENT
OF THE UNITED STATES, SEPTEMBER 13, 1905, PROPOSING A SECOND
PEACE CONFERENCE AT THE HAGUE¹

In view of the termination, with the cordial coöperation of the President of the United States, of the war and of the conclusion of peace between Russia and Japan, His Majesty the Emperor, as initiator of the International Peace Conference of 1899, holds that a favorable moment has now come for the further development and for the systematizing of the labors of that international conference. With this end in view and being assured in advance of the sympathy of President Roosevelt, who has already, last year, pronounced himself in favor of such a project, His Majesty desires to approach him with a proposal to the effect that the Government of the United States take part in a new international conference which could be called together at The Hague as soon as favorable replies could be secured from all the other States to which a similar proposal will be made. As the course of the late war has given rise to a number of questions which are of the greatest importance and closely related to the Acts of the First Conference, the plenipotentiaries of Russia at the future meeting will lay before the conference a detailed program which could serve as a starting point for its deliberations.

MR. ROOT, SECRETARY OF STATE, TO THE RUSSIAN AMBASSADOR²

Memorandum

DEPARTMENT OF STATE,
WASHINGTON, *October 12, 1905.*

On the 13th of last month, at Sagamore Hill, his excellency the Ambassador of Russia presented to the President a memorandum, being a message from His Majesty the Tsar to the President, to the effect that in view of the termination, with the cordial coöperation of the President, of the war, and of the conclusion of peace between Russia and Japan, His Imperial Majesty, as initiator of the International Peace Conference of 1899, deems the present a favorable moment for further developing and systematizing the labors of that conference, and that to this end, upon being assured in advance of the sympathy of the President, who last year pronounced himself in favor of such a project, His Majesty desires to approach the President with a proposal to the

¹*Foreign relations of the United States*, 1905, p. 828.

²*Ibid.*, p. 829.

effect that the Government of the United States take part in a new international conference, which could be called together at The Hague as soon as favorable replies may be obtained from all the other states to which a similar proposal is to be made.

The Secretary of State, by direction of the President, has the honor to confirm to his excellency the Ambassador of Russia the assurances which the President had the sincere pleasure to give to his excellency at the time of the presentation of the memorandum of September 13. The President's circulars to the powers, parties to the acts of The Hague Conference, which the late Secretary of State communicated to the several signatory states through the American envoys accredited thereto, dated, respectively, October 21 and December 16 of last year, have demonstrated the President's keen desire that upon a favorable occasion the labors of the First International Peace Conference might be supplemented and completed by an accord to be reached by a second conference of the powers. The suggestion so put forth having been accepted in principle by the signatories, it only remained for the opportune moment to come for the powers to agree upon the place and time for their renewed assemblage in order to perfect the beneficial agreements of the first conference.

The President most gladly welcomes the offer of His Imperial Majesty to again take upon himself the initiation of the steps requisite to convene a Second International Peace Conference, as the necessary sequence to the first conference, brought about through His Majesty's efforts, and in view of the cordial responses to the President's suggestion of October, 1904, he doubts not that the project will meet with complete acceptance and that the result will be to bring the nations of the earth still more closely together in their common endeavor to advance the ends of peace.

As respects the further statement of his excellency's memorandum of September 13, that, as the late war has given rise to a number of questions which are of the greatest importance and closely related to the acts of the first conference, the plenipotentiaries of Russia, at the future meeting, will lay before the conference a detailed programme which could serve as a starting point for its deliberations, the President finds it in consonance with the indications of his circular of October 21, 1904, touching the questions to come before a second conference for discussion, and the importance of completing the work of the first conference by ample exchange of views and, it is to be hoped, full concord upon the broad questions specifically relegated by the final act of The Hague to the consideration of a future conference.

THE RUSSIAN AMBASSADOR TO THE SECRETARY OF STATE PROPOSING THE
PROGRAM OF THE SECOND CONFERENCE¹IMPERIAL EMBASSY OF RUSSIA,
WASHINGTON, *April 12, 1906.*

MR. SECRETARY OF STATE: When it assumed the initiative of calling a Second Peace Conference, the Imperial Government had in view the necessity of further developing the humanitarian principles on which was based the work accomplished by the great international assemblage of 1899.

At the same time, it deemed it expedient to enlarge as much as possible the number of States participating in the labors of the contemplated conference, and the alacrity with which the call was answered bears witness to the depth and breadth of the present sentiment of solidarity for the application of ideas aiming at the good of all mankind.

The First Conference separated in the firm belief that its labors would subsequently be perfected from the effect of the regular progress of enlightenment among the nations and abreast of the results acquired from experience. Its most important creation, the International Court of Arbitration, is an institution that has already proved its worth and brought together, for the good of all, an areopagus of jurists who command the respect of the world. How much good could be accomplished by international commissions of inquiry toward the settlement of disputes between States has also been shown.

There are, however, certain improvements to be made in the Convention relative to the pacific settlement of international disputes. Following recent arbitrations, the jurists assembled in court have raised certain questions of details which should be acted upon by adding to the said Convention the necessary amplifications. It would seem especially desirable to lay down fixed principles in regard to the use of languages in the proceedings in view of the difficulties that may arise in the future as the cases referred to arbitral jurisdiction multiply. The *modus operandi* of international commissions of inquiry would likewise be open to improvement.

As regards the regulating of the laws and customs of war on land, the provisions established by the First Conference ought also to be completed and defined, so as to remove all misapprehensions.

¹*Foreign relations of the United States*, 1906, vol. ii, p. 1629.

As for maritime warfare, in regard to which the laws and customs of the several countries differ on certain points, it is necessary to establish fixed rules in keeping with the exigencies of the rights of belligerents and the interests of neutrals.

A convention bearing on these subjects should be framed and would constitute one of the most prominent parts of the tasks devolved upon the forthcoming conference.

Holding, therefore, that there is at present occasion only to examine questions that demand special attention as being the outcome of the experience of recent years, without touching upon those that might have reference to the limitation of military or naval forces, the Imperial Government proposes for the program of the contemplated meeting the following main points:

1. Improvements to be made in the provisions of the Convention relative to the pacific settlement of international disputes as regards the Court of Arbitration and the international commissions of inquiry.

2. Additions to be made to the provisions of the Convention of 1899 relative to the laws and customs of war on land—among others, those concerning the opening of hostilities, the rights of neutrals on land, etc. Declarations of 1899: one of these having expired, question of its being revived.

3. Framing of a convention relative to the laws and customs of maritime warfare, concerning—

The special operations of maritime warfare, such as the bombardment of ports, cities, and villages by a naval force; the laying of torpedoes, etc.;

The transformation of merchant vessels into war-ships;

The private property of belligerents at sea;

The length of time to be granted to merchant ships for their departure from ports of neutrals or of the enemy after the opening of hostilities;

The rights and duties of neutrals at sea, among others, the questions of contraband, the rules applicable to belligerent vessels in neutral ports; destruction, in case of *vis major*, of neutral merchant vessels captured as prizes;

In the said convention to be drafted, there would be introduced the provisions relative to war on land that would be also applicable to maritime warfare.

4. Additions to be made to the Convention of 1899 for the adaptation to maritime warfare of the principles of the Geneva Convention of 1864.

As was the case at the Conference of 1899, it would be well understood that the deliberations of the contemplated meeting should not deal with the political relations of the several States, or the condition of things established by treaties, or in general with questions that did not directly come within the program adopted by the several cabinets.

The Imperial Government desires distinctly to state that the data of this program and the eventual acceptance of the several States clearly do not prejudice the opinion that may be delivered in the conference in regard to the solving of the questions brought up for discussion. It would likewise be for the contemplated meeting to decide as to the order of the questions to be examined and the form to be given to the decisions reached as to whether it should be deemed preferable to include some of them in new conventions or to append them, as additions, to conventions already existing.

In formulating the above-mentioned program, the Imperial Government bore in mind, as far as possible, the recommendations made by the First Peace Conference, with special regard to the rights and duties of neutrals, the private property of belligerents at sea, the bombardment of ports, cities, etc. It entertains the hope that the Government of the United States will take the whole of the points proposed as the expression of a wish to come nearer that lofty ideal of international justice that is the permanent goal of the whole civilized world.

By order of my Government, I have the honor to acquaint you with the foregoing, and awaiting the reply of the Government of the United States with as little delay as possible, I embrace this opportunity to beg you, Mr. Secretary of State, to accept the assurance of my very high consideration.

ROSEN.

NETHERLAND INVITATION TO THE SECOND HAGUE CONFERENCE¹

ROYAL LEGATION OF THE NETHERLANDS,
WASHINGTON, D. C., *April 10, 1907.*

MR. SECRETARY OF STATE: I have the honor to bring to your Excellency's knowledge that, according to a communication I have just received from the Minister of Foreign Affairs, the meeting of the Peace Conference at The Hague has been fixed for the 15th of June next.

¹*Foreign relations of the United States, 1907, p. 1109.*

I am at the same time instructed by the Government of the Queen to invite the Government of the United States to be pleased to send delegates thereto.

Hereby carrying out my orders, I embrace this opportunity to renew to you, Mr. Secretary, the assurances of my highest consideration.

VAN SWINDEREN.

PROTOCOL REGARDING ADHESIONS TO THE 1899 CONVENTION FOR THE
PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES¹

The Powers which have ratified the Convention for the pacific settlement of international disputes, signed at The Hague on July 29, 1899, desiring to enable the States that were not represented at the First Peace Conference and were invited to the Second to adhere to the aforesaid Convention, the undersigned delegates or diplomatic representatives of the above-mentioned Powers, viz.:

Germany, Austria-Hungary, Belgium, Bulgaria, China, Denmark, Spain, the United States of America, the United States of Mexico, France, Great Britain, Greece, Italy, Japan, Luxemburg, Montenegro, Norway, the Netherlands, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland, and Turkey, duly authorized to that effect, have agreed that there shall be opened by the Minister of Foreign Affairs of the Netherlands, a *procès-verbal* of adhesions, that shall serve to receive and record the said adhesions, which shall immediately go into effect. In witness whereof the present protocol was drawn up, in a single copy, which shall remain in deposit in the archives of the Ministry of Foreign Affairs of the Netherlands and of which an authenticated copy shall be transmitted to each one of the signatory Powers.

Done at The Hague, June 14, 1907.

[Here follow signatures.]

PROCÈS-VERBAL OF ADHESION²

There was signed in this city on June 14, 1907, a protocol establishing, in respect to the Powers unrepresented at the First Peace Con-

¹Martens, *Nouveau Recueil Général de Traités*, 3d series, vol. ii, p. 4. See post p. 79, Article 60.

²Martens, 3d series, vol. ii, p. 6.

ference which have been invited to the Second, the mode of adhesion to the Convention for the peaceful settlement of international disputes, signed at The Hague, July 29, 1899.

Pursuant to the said protocol, the undersigned, Minister of Foreign Affairs for Her Majesty the Queen of the Netherlands, on this day opened the present *procès-verbal* intended to receive and furthermore to record, as they may be presented, the adhesions of the aforesaid Convention.

Done at The Hague, on June 15, 1907, in a single copy, which shall remain in deposit in the archives of the Ministry of Foreign Affairs of the Netherlands, and of which a duly certified copy shall be transmitted to each of the signatory Powers.

VAN TETS VAN GOUDRIAAN

Successively adhered: Argentine Republic, Brazil, Bolivia, Chile, Colombia, Cuba, Guatemala, Haiti, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Venezuela, Uruguay, Salvador and Ecuador.

**THE FINAL ACTS OF THE FIRST AND SECOND HAGUE PEACE
CONFERENCES, TOGETHER WITH THE DRAFT CONVENTION
ON A JUDICIAL ARBITRATION COURT**

1899

FINAL ACT of the International Peace Conference.—Signed at The Hague, July 29, 1899.

The International Peace Conference, convoked in the best interests of humanity by His Majesty the Emperor of All the Russias, assembled, on the invitation of the Government of Her Majesty the Queen of the Netherlands, in the Royal House in the Wood at The Hague on the 18th May, 1899.

The Powers enumerated in the following list took part in the Conference, to which they appointed the delegates named below :

For Germany :

His Excellency Count de Münster, German Ambassador at Paris, delegate plenipotentiary ;

The Baron de Stengel, professor at the University of Munich, second delegate ;

1907

FINAL ACT of the Second International Peace Conference.—Signed at The Hague, October 18, 1907.

The Second International Peace Conference, proposed in the first instance by the President of the United States of America, having been convoked, on the invitation of His Majesty the Emperor of All the Russias, by Her Majesty the Queen of the Netherlands, assembled on the 15th June, 1907, at The Hague, in the Hall of the Knights, for the purpose of giving a fresh development to the humanitarian principles which served as a basis for the work of the First Conference of 1899.

The following Powers took part in the Conference, and appointed the delegates named below :

Germany :

His Excellency Baron Marschall de Bieberstein, Minister of State, Imperial Ambassador at Constantinople, first delegate plenipotentiary ;

Mr. Kriege, Imperial Envoy on Extraordinary Mission at the

Convoc:

Delegat

German

1899

Dr. Zorn, Judicial Privy Councilor, professor at the University of Königsberg, scientific delegate;

Colonel de Gross de Schwarzhoff, Commandant of the 5th Regiment of Infantry, No. 94, technical delegate;

Captain Siegel, Naval Attaché to the Imperial Embassy at Paris, technical delegate.

1907

present Conference, Privy Councilor of Legation and Legal Adviser to the Ministry for Foreign Affairs, member of the Permanent Court of Arbitration, second delegate plenipotentiary;

Rear-Admiral Siegel, Naval Attaché to the Imperial Embassy at Paris, naval delegate;

Major General de Gündell, Quartermaster General of the General Staff of the Royal Prussian Army, military delegate;

Mr. Zorn, professor to the Faculty of Law at the University of Bonn, Judicial Privy Councilor, member of the Prussian Upper Chamber, and Crown Syndic, scientific delegate;

Mr. Göppert, Counselor of Legation and Counselor attached to the Department for Foreign Affairs, assistant delegate;

Mr. Retzmann, Lieutenant Commander on the Naval General Staff, assistant naval delegate.

nited States.

For the United States of America:¹
His Excellency Mr. Andrew D. White, United States Ambassador at Berlin, delegate plenipotentiary;

The United States of America:
His Excellency Mr. Joseph H. Choate, ex-Ambassador at London, Ambassador Extraordinary, delegate plenipotentiary;

¹The order of the countries in the original of the 1899 Final Act has been here departed from in a few instances (United States, Mexico and Bulgaria) for the purpose of presenting each country's respective delegations to the 1899 and 1907 Conferences in juxtaposition.

1899

The Honorable Seth Low, president of the Colombia University at New York, delegate plenipotentiary ;

Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary ;

Captain Alfred T. Mahan, United States Navy, delegate plenipotentiary ;

Mr. William Crozier, Captain of Artillery, delegate plenipotentiary ;

Mr. Frederick W. Holls, advocate at New York, delegate and secretary to the delegation.

1907

His Excellency Mr. Horace Porter, ex-Ambassador at Paris, Ambassador Extraordinary, delegate plenipotentiary ;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary, delegate plenipotentiary ;

His Excellency Mr. David Jayne Hill, ex-Assistant Secretary of State, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary ;

Rear-Admiral Charles S. Sperry, ex-president of the Naval War College, Minister Plenipotentiary, delegate plenipotentiary ;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary, delegate plenipotentiary ;

Mr. William I. Buchanan, ex-Minister at Buenos Aires, ex-Minister at Panama, Minister Plenipotentiary, delegate plenipotentiary ;

Mr. James Brown Scott, Solicitor for the Department of State, technical delegate ;

Mr. Charles Henry Butler, Reporter of the Supreme Court, technical delegate.

1899

Argentine
Republic.

Austria-
Hungary.

For Austria-Hungary:

His Excellency Count R. Welsersheimb, Ambassador Extraordinary and Plenipotentiary, first delegate, plenipotentiary;

Mr. Alexandre Okolicsányi d'Okolicsna, Envoy Extraordinary and Minister Plenipotentiary at The Hague, sec-

1907

The Argentine Republic:

His Excellency Mr. Roque Saenz Peña, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at Rome, member of the Permanent Court of Arbitration, delegate plenipotentiary;

His Excellency Mr. Luis M. Drago, ex-Minister for Foreign Affairs, deputy member of the Permanent Court of Arbitration, delegate plenipotentiary;

His Excellency Mr. Carlos Rodríguez Larreta, ex-Minister for Foreign Affairs, member of the Permanent Court of Arbitration, delegate plenipotentiary;

General Francisco Reynolds, Military Attaché at Berlin, technical delegate;

Captain Juan A. Martin, ex-Minister of Marine, Naval Attaché at London, technical delegate.

Austria-Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mére, Privy Councilor of His Imperial and Royal Apostolic Majesty, Ambassador Extraordinary and Plenipotentiary, first delegate plenipotentiary;

His Excellency Baron Charles de Macchio, Envoy Extraor-

1899

ond delegate, plenipotentiary;
 Mr. Gaëtan Mérey de Kapos-
 Mére, Counselor of Embassy
 and Chief of Cabinet of the
 Minister for Foreign Affairs,
 assistant delegate;
 Mr. Henri Lammasch, profes-
 sor at the University of Vi-
 enna, assistant delegate;
 Mr. Victor de Khuepach zu
 Ried, Zimmerlehen and Hasl-
 burg, Lieutenant Colonel on
 the General Staff, assistant
 delegate;
 Count Stanislas Soltyk, Captain
 of Corvette, assistant dele-
 gate.

For Belgium:

His Excellency Mr. Auguste
 Beernaert, Minister of State,
 President of the Chamber of
 Representatives, delegate
 plenipotentiary;

1907

dinary and Minister Pleni-
 potentiary at Athens, second
 delegate plenipotentiary;
 Mr. Henri Lammasch, profes-
 sor at the University of Vi-
 enna, Aulic Councilor, mem-
 ber of the Austrian Upper
 Chamber of the Reichsrath,
 member of the Permanent
 Court of Arbitration, scien-
 tific delegate;
 Mr. Antoine Haus, Rear-Ad-
 miral, naval delegate;
 Baron Wladimir, Giesl de
 Gieslingen, Major General,
 Military Plenipotentiary at
 the Imperial and Royal Em-
 bassy at Constantinople and
 at the Imperial and Royal
 Legation at Athens, military
 delegate;
 The Chevalier Othon de Weil,
 Aulic and Ministerial Coun-
 cilor at the Ministry of the
 Imperial and Royal House-
 hold and of Foreign Affairs,
 delegate;
 Mr. Jules Szilassy de Szilas et
 Pilis, Counselor of Legation,
 delegate;
 Mr. Emile Konek de Norwall,
 Naval Lieutenant of the First
 Class, delegate attached.

Belgium:

His Excellency Mr. A. Beer-
 naert, Minister of State,
 member of the Chamber of
 Representatives, member of
 the Institute of France and

Belgium

1899

The Count de Grelle Rogier,
 Envoy Extraordinary and
 Minister Plenipotentiary at
 The Hague, delegate plenipo-
 tentiary ;
 The Chevalier Descamps, Sena-
 tor, delegate plenipotentiary.

Bolivia.

Brazil.

1907

of the Royal Academies of
 Belgium and Roumania, hon-
 orary member of the Insti-
 tute of International Law,
 member of the Permanent
 Court of Arbitration, dele-
 gate plenipotentiary ;

His Excellency Mr. J. van den
 Heuvel, Minister of State,
 ex-Minister of Justice, dele-
 gate plenipotentiary ;

His Excellency Baron Guil-
 laume, Envoy Extraordinary
 and Minister Plenipotentiary
 at The Hague, member of the
 Royal Academy of Rouma-
 nia, delegate plenipotentiary.

Bolivia :

His Excellency Mr. Claudio
 Pinilla, Minister for Foreign
 Affairs, member of the Per-
 manent Court of Arbitration,
 delegate plenipotentiary ;

His Excellency Mr. Fernando
 E. Guachalla, Minister Pleni-
 potentiary at London, dele-
 gate plenipotentiary.

Brazil :

His Excellency Mr. Ruy Bar-
 bosa, Ambassador Extraor-
 dinary and Plenipotentiary,
 Vice-President of the Senate,
 member of the Permanent
 Court of Arbitration, dele-
 gate plenipotentiary ;

His Excellency Mr. Eduardo F.
 S. dos Santos Lisboa, Envoy
 Extraordinary and Minister

1899

For Bulgaria :¹

Dr. Dimitri I. Stancioff, Diplomatic Agent at St. Petersburg, first delegate, plenipotentiary ;

Major Christo Hessaptchieff, Military Attaché at Belgrade, second delegate, plenipotentiary.

1907

Plenipotentiary at The Hague, delegate plenipotentiary ;
Colonel Roberto Trompowsky Leitão de Almeida, Military Attaché at The Hague, technical delegate ;
Commander Tancredo Burlamaqui de Moura, technical delegate.

Bulgaria :

Bulgaria.

Major General on the Staff Vrbán Vinaroff, General *à la suite*, first delegate plenipotentiary ;

Mr. Ivan Karandjouloff, Procureur-Général of the Court of Cassation, second delegate plenipotentiary ;

Commander S. Dimitrieff, Chief of the Staff of the Bulgarian Flotilla, delegate.

Chile :

Chile.

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary at London, delegate plenipotentiary ;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary at Berlin, delegate plenipotentiary ;

His Excellency Mr. Carlos Concha, ex-Minister of War, ex-President of the Chamber of Deputies, ex-Envoy Extraordinary and Minister Plenipotentiary at Buenos

¹See footnote on p. 2

1899

1907

China.

For China :

Mr. Yang Yü, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg, first delegate, plenipotentiary ;
Mr. Lou-Tseng-Tsiang, second delegate ;
Mr. Hoo-Wei-Teh, second delegate ;
Mr. Ho-Yen-Cheng, Counselor of Legation, assistant delegate.

Colombia.

Aires, delegate plenipotentiary.

China :

His Excellency Mr. Lou-Tseng-Tsiang, Ambassador Extraordinary, delegate plenipotentiary ;
His Excellency the Honorable John W. Foster, ex-Secretary of State at the United States Department for Foreign Affairs, delegate plenipotentiary ;
His Excellency Mr. Tsien-Sun, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary ;
Colonel W. S. Y. Tinge, Judge Advocate General at the War Office, military delegate ;
Mr. Chang Ching Tong, Secretary of Legation, assistant delegate ;
Mr. Chao-Hi-Chiu, ex-Secretary of the Imperial Chinese Mission and Legation at Paris and Rome, assistant delegate.

Colombia :

General Jorge Holguin, delegate plenipotentiary ;
Mr. Santiago Perez Triana, delegate plenipotentiary ;
His Excellency General M. Vargas, Envoy Extraordinary and Minister Plenipotentiary at Paris, delegate plenipotentiary.

1899

1907

The Republic of Cuba:

Cuba.

Mr. Antonio Sanchez de Bustamante, professor of international law at the University of Havana, Senator of the Republic, delegate plenipotentiary;

His Excellency Mr. Gonzalo de Quesada y Arostégui, Envoy Extraordinary and Minister Plenipotentiary at Washington, delegate plenipotentiary;

Mr. Manuel Sanguily, ex-director of the Institute of Secondary Education at Havana, Senator of the Republic, delegate plenipotentiary.

For Denmark:

Denmark:

Denmark.

Chamberlain Fr. E. de Bille, Envoy Extraordinary and Minister Plenipotentiary at London, first delegate, plenipotentiary;

Mr. J. G. F. von Schnack, Colonel of Artillery, ex-Minister for War, second delegate, plenipotentiary.

His Excellency Mr. C. Brun, Envoy Extraordinary and Minister Plenipotentiary at Washington, first delegate plenipotentiary;

Rear-Admiral C. F. Scheller, second delegate plenipotentiary;

Mr. A. Vedel, Chamberlain, Head of Department at the Royal Ministry for Foreign Affairs, third delegate plenipotentiary.

The Dominican Republic:

Dominican Republic.

Mr. Francisco Henriquez i Carvajal, ex-Minister for Foreign Affairs, member of the Permanent Court of Arbitration, delegate plenipotentiary;

Mr. Apolinar Tejera, rector of the Professional Institute of

1899

1907

Ecuador.

Santo Domingo, member of the Permanent Court of Arbitration, delegate plenipotentiary.

The Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary at Paris and Madrid, delegate plenipotentiary;

Mr. Enrique Dorn y de Alsua, Chargé d'Affaires, delegate plenipotentiary.

Spain.

For Spain:

His Excellency Duke de Tetuan, ex-Minister for Foreign Affairs, first delegate, plenipotentiary;

Mr. W. Ramirez de Villa Urrutia, Envoy Extraordinary and Minister Plenipotentiary at Brussels, delegate plenipotentiary;

Mr. Arthur de Baguer, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary;

The Count del Serrallo, Colonel, Military Attaché to the Spanish Legation at Brussels, assistant delegate.

Spain:

His Excellency Mr. W. R. de Villa-Urrutia, Senator, ex-Minister for Foreign Affairs, Ambassador Extraordinary and Plenipotentiary at London, first delegate plenipotentiary;

His Excellency Mr. José de la Rica y Calvo, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary;

Mr. Gabriel Maura y Gamazo, Count de la Mortera, Deputy to the Cortes, delegate plenipotentiary;

Mr. J. Jofre Montojo, Colonel on the Staff, Aide-de-camp to the Minister of War, assistant military delegate;

Captain Francisco Chacon, assistant naval delegate.

France.

For France:

Mr. Léon Bourgeois, ex-President of Council, ex-Minister

France:

His Excellency Mr. Léon Bourgeois, Ambassador Extraor-

1899

for Foreign Affairs, member of the Chamber of Deputies, first delegate, plenipotentiary ;

Mr. Georges Bihourd, Envoy Extraordinary and Minister Plenipotentiary at The Hague, second delegate, plenipotentiary ;

The Baron d'Estournelles de Constant, Minister Plenipotentiary, member of the Chamber of Deputies, third delegate, plenipotentiary ;

Mr. Mounier, General of Brigade, technical delegate.

Mr. Péphau, Rear-Admiral, technical delegate ;

Mr. Louis Renault, professor at the Faculty of Law at Paris, Legal Adviser to the Ministry for Foreign Affairs, technical delegate.

1907

dinary, Senator, ex-President of the Council, ex-Minister for Foreign Affairs, member of the Permanent Court of Arbitration, delegate, first plenipotentiary ;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, member of the Permanent Court of Arbitration, delegate, second plenipotentiary ;

Mr. Louis Renault, professor at the Faculty of Law at Paris, Honorary Minister Plenipotentiary, Legal Adviser to the Ministry for Foreign Affairs, member of the Institute, member of the Permanent Court of Arbitration, delegate, third plenipotentiary ;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate, fourth plenipotentiary ;

General of Division Amourel, military delegate ;

Rear-Admiral Arago, naval delegate ;

Mr. Fromageot, advocate at the Court of Appeal at Paris, technical delegate ;

Captain Lacaze, second naval delegate ;

Lieutenant Colonel Siben, Military Attaché at Brussels and The Hague, second military delegate.

1899

Great Britain.

For Great Britain and Ireland :

His Excellency the Right Honorable Sir Julian Pauncefote, member of Her Majesty's Privy Council, Ambassador Extraordinary and Plenipotentiary of the United Kingdom at Washington, first delegate, plenipotentiary ;

Sir Henry Howard, Envoy Extraordinary and Minister Plenipotentiary at The Hague, second delegate, plenipotentiary ;

Sir John A. Fisher, Vice-Admiral, technical delegate ;

Sir J. C. Ardagh, Major General, technical delegate ;

Lieutenant Colonel C. à Court, Military Attaché at Brussels and The Hague, assistant technical delegate.

1907

Great Britain :

His Excellency the Right Honorable Sir Edward Fry, G.C.B., member of the Privy Council, Ambassador Extraordinary, member of the Permanent Court of Arbitration, delegate plenipotentiary ;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., member of the Privy Council, member of the Permanent Court of Arbitration, delegate plenipotentiary ;

His Excellency the Right Honorable Lord Reay, G.C.S.I., G.C.I.E., member of the Privy Council, ex-president of the Institute of International Law, delegate plenipotentiary ;

His Excellency Sir Henry Howard, K.C.M.G., C.B., Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary ;

Lieutenant General Sir Edmond R. Elles, G.C.I.E., K.C.B., military delegate ;

Captain C. L. Ottley, M.V.O., R.N., A.D.C., naval delegate ;

Mr. Eyre Crowe, Counselor of Embassy, technical delegate, first secretary to the delegation ;

Mr. Cecil Hurst, Counselor of Embassy, technical delegate,

1899

1907

legal adviser to the delegation;

Lieutenant Colonel the Honorable Henry Yarde-Buller, D.S.O., Military Attaché at The Hague, technical delegate;

Commander J. R. Segrave, R. N., technical delegate;

Major George K. Cockerill, General Staff, technical delegate.

For Greece:

Mr. N. Delyannis, ex-President of the Council, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at Paris, delegate plenipotentiary.

Greece:

His Excellency Mr. Cléon Rizo Rangabé, Envoy Extraordinary and Minister Plenipotentiary at Berlin, first delegate plenipotentiary;

Mr. Georges Streit, professor of international law at the University of Athens, member of the Permanent Court of Arbitration, second delegate plenipotentiary;

Colonel of Artillery C. Sapountzakis, Chief of the General Staff, technical delegate.

Greece.

Guatemala:

Mr. José Tible Machado, Chargé d'Affaires at The Hague and London, member of the Permanent Court of Arbitration, delegate plenipotentiary;

Mr. Enrique Gomez Carrillo, Chargé d'Affaires at Berlin, delegate plenipotentiary.

Guatemala.

The Republic of Haiti:

His Excellency Mr. Jean Joseph

Haiti.

1899

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Italy.

For Italy :

His Excellency Count Nigra,
Italian Ambassador at Vi-
enna, Senator of the King-
dom, first delegate, plenipo-
tentiary ;

Count A. Zannini, Envoy Ex-
traordinary and Minister
Plenipotentiary at The
Hague, second delegate, plen-
ipotentiary ;

The Chevalier Guido Pompilj,
Deputy in the Italian Parlia-
ment, third delegate, plenipo-
tentiary ;

The Chevalier Louis Zuccari,
Major General, technical de-
legate ;

The Chevalier Auguste Bianco,
Captain, Naval Attaché to the
Royal Embassy at London,
technical delegate.

Dalbémar, Envoy Extraordi-
nary and Minister Plenipo-
tentiary at Paris, delegate
plenipotentiary ;

His Excellency Mr. J. N. Léger,
Envoy Extraordinary and
Minister Plenipotentiary at
Washington, delegate plen-
ipotentiary ;

Mr. Pierre Hudicourt, ex-pro-
fessor of international public
law, advocate at the bar of
Port au Prince, delegate plen-
ipotentiary.

Italy :

His Excellency Count Joseph
Tornielli Brusati di Vergano,
Senator of the Kingdom, Am-
bassador of His Majesty the
King at Paris, member of the
Permanent Court of Arbitra-
tion, president of the Italian
delegation, delegate plenipo-
tentiary ;

His Excellency Mr. Guido
Pompilj, Parliamentary Dep-
uty, Under-Secretary of
State at the Royal Ministry
for Foreign Affairs, delegate
plenipotentiary ;

Mr. Guido Fusinato, Councilor
of State, Parliamentary Dep-
uty, ex-Minister of Educa-
tion, delegate plenipotentiary ;

Mr. Marius Nicolis de Robilant,
General of Brigade, technical
delegate ;

Mr. François Castiglia, Captain
in the Navy, technical de-
legate.

1899

For Japan:

The Baron Hayashi, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg, first delegate, plenipotentiary;

Mr. I. Motono, Envoy Extraordinary and Minister Plenipotentiary at Brussels, second delegate, plenipotentiary;

Colonel Uyehara, technical delegate;

Captain Sakamoto, Japanese Navy, technical delegate;

Mr. Nagao Ariga, professor of international law at the Superior Military School and the Naval School of Tokio, technical delegate.

For Luxemburg:

His Excellency Mr. Eyschen, Minister of State, President of the Grand Ducal Government, delegate plenipotentiary;

The Count de Villers, Chargé d'Affaires at Berlin, delegate plenipotentiary.

For the United States of Mexico:¹

Mr. de Mier, Envoy Extraordinary and Minister Plenipo-

1907

Japan:

Japan.

His Excellency Mr. Keiroku Tsudzuki, Ambassador Extraordinary and Plenipotentiary, first delegate plenipotentiary;

His Excellency Mr. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, second delegate plenipotentiary;

Mr. Henry Willard Denison, Legal Adviser to the Imperial Ministry for Foreign Affairs, member of the Permanent Court of Arbitration, technical delegate;

Major General Yoshifuru Akiyama, Inspector of Cavalry, technical delegate;

Rear-Admiral Hayao Shimamura, president of the Naval College at Etajima, technical delegate.

Luxemburg:

Luxemburg.

His Excellency Mr. Eyschen, Minister of State, President of the Grand Ducal Government, delegate plenipotentiary;

Count de Villers, Chargé d'Affaires at Berlin, delegate plenipotentiary.

Mexico:

Mexico.

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary

¹See footnote on p. 2.

1899

tentiary at Paris, delegate plenipotentiary ;
 Mr. Zenil, Minister Resident at Brussels, delegate plenipotentiary.

Montenegro

For Montenegro :

His Excellency Mr. de Staal, Privy Councilor, Russian Ambassador at London, delegate plenipotentiary.

Nicaragua.

1907

and Minister Plenipotentiary at Rome, first delegate plenipotentiary ;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris, second delegate plenipotentiary ;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, third delegate plenipotentiary.

Montenegro :

His Excellency Mr. Nélidow, Privy Councilor, Russian Ambassador at Paris, delegate plenipotentiary ;

His Excellency Mr. de Martens, Privy Councilor, permanent member of the Council of the Imperial Russian Ministry for Foreign Affairs, delegate plenipotentiary ;

His Excellency Mr. Tcharykow, Councilor of State, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary of Russia at The Hague, delegate plenipotentiary.

Nicaragua :

His Excellency Mr. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary at Paris, delegate plenipotentiary.

1899

1907

Norway :¹

Norway.

His Excellency Mr. Francis Hagerup, ex-President of the Council, ex-professor of law, member of the Permanent Court of Arbitration, Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, delegate plenipotentiary ;

Mr. Joachim Grieg, ship-owner and Deputy, technical delegate ;

Mr. Christian Lous Lang, Secretary to the Nobel Committee of the Norwegian Storting, technical delegate.

Panama :

Panama.

Mr. Belisario Porras, delegate plenipotentiary.

Paraguay :

Paraguay.

His Excellency Mr. Eusebio Machain, Envoy Extraordinary and Minister Plenipotentiary at Paris, delegate plenipotentiary.

For the Netherlands :

The Netherlands :

Netherlands.

Jonkheer A. P. C. van Karnebeek, ex-Minister for Foreign Affairs, member of the Second Chamber of the States-General, delegate plenipotentiary ;

General J. C. C. den Beer Poortugael, ex-Minister for War, member of the Council of

Mr. W. H. de Beaufort, ex-Minister for Foreign Affairs, member of the Second Chamber of the States-General, delegate plenipotentiary.
His Excellency Mr. T. M. C. Asser, Minister of State, member of the Council of State, member of the Perma-

¹Sweden and Norway constituted a Union until 1905. For their delegation to the First Conference, see p. 23.

1899

- State, delegate plenipotentiary ;
- Mr. T. M. C. Asser, member of the Council of State, delegate plenipotentiary ;
- Mr. E. N. Rahusen, member of the First Chamber of the States-General, delegate plenipotentiary ;
- Captain A. P. Tadema, Chief of the Staff of the Netherlands Marine, technical delegate.

1907

- nent Court of Arbitration, delegate plenipotentiary ;
- His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General on the retired list, ex-Minister of War, member of the Council of State, delegate plenipotentiary ;
- His Excellency Jonkheer J. A. Röell, Aide-de-camp to Her Majesty the Queen in Extraordinary Service, Vice-Admiral on the retired list, ex-Minister of Marine, delegate plenipotentiary ;
- Mr. J. A. Loeff, ex-Minister of Justice, member of the Second Chamber of the States-General, delegate plenipotentiary ;
- Mr. H. L. van Oordt, Lieutenant Colonel on the Staff, professor at the Higher Military College, technical delegate ;
- Jonkheer W. J. M. van Eysinga, Head of the Political Section at the Ministry for Foreign Affairs, assistant delegate ;
- Jonkheer H. A. van Karnebeek, Gentleman of the Chamber, Assistant Head of Department at the Colonial Office, assistant delegate ;
- Mr. H. G. Surie, Naval Lieutenant of the First Class, technical delegate.

1899

1907

For Persia :

Aide-de-Camp General Mirza Riza Khan (Arfa-ud-Dovleh), Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and Stockholm, first delegate, plenipotentiary ;

Mr. Mirza Samad Khan (Montazis-Saltaneh), Counselor of Legation at St. Petersburg, assistant delegate.

For Portugal :

The Count de Macedo, Peer of the Kingdom, ex-Minister of Marine and the Colonies, Envoy Extraordinary and Minister Plenipotentiary at Madrid, delegate plenipotentiary ;

Mr. d'Ornellas Vasconcellos, Peer of the Kingdom, Envoy Extraordinary and Minister Plenipotentiary at St. Peters-

Peru :

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary at Paris and London, member of the Permanent Court of Arbitration, delegate plenipotentiary ;

Mr. Gustavo de la Fuente, First Secretary of Legation at Paris, assistant delegate.

Persia :

His Excellency Samad Khan Momtas-es-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary at Paris, member of the Permanent Court of Arbitration, delegate, first plenipotentiary ;

His Excellency Mirza Ahmed Khan Sadig-ul-Mulkh, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary ;

Mr. Hennebicq, Legal Adviser to the Minister for Foreign Affairs at Teheran, technical delegate.

Portugal :

His Excellency the Marquis de Soveral, Councilor of State, Peer of the Realm, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at London, Ambassador Extraordinary and Plenipotentiary, delegate plenipotentiary ;

His Excellency Count de Sélir,

Peru.

Persia.

Portugal.

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burg, delegate plenipotentiary ;

The Count de Sélir, Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary ;

Captain Augusto de Castilho, technical delegate ;

Captain on the General Staff Ayres d'Ornellas, technical delegate.

Roumania.

For Roumania :

Mr. Alexandre Beldiman, Envoy Extraordinary and Minister Plenipotentiary at Berlin, first delegate, plenipotentiary ;

Mr. Jean N. Papiniu, Envoy Extraordinary and Minister Plenipotentiary at The Hague, second delegate, plenipotentiary ;

Aide-de-Camp Colonel Constantin Coanda, Director of Artillery at the Ministry for War, technical delegate.

Russia.

For Russia :

His Excellency Mr. de Staal, Privy Councilor, Russian Ambassador at London, delegate plenipotentiary ;

Mr. de Martens, permanent member of the Council of the Imperial Ministry for For-

1907

Envoy Extraordinary and Minister Plenipotentiary at The Hague, delegate plenipotentiary ;

His Excellency Mr. Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne, delegate plenipotentiary ;

Lieutenant Colonel Thomaz Antonio Garcia Rosado, General Staff, technical delegate ;

Mr. Guilherme Ivens Ferraz, Lieutenant Commander in the Navy, technical delegate.

Roumania :

His Excellency Mr. Alexandre Beldiman, Envoy Extraordinary and Minister Plenipotentiary at Berlin, first delegate plenipotentiary ;

His Excellency Mr. Edgard Mavrocordato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, second delegate plenipotentiary ;

Captain Alexander Sturdza, General Staff, technical delegate.

Russia :

His Excellency Mr. Nélidow, Privy Councilor, Russian Ambassador at Paris, delegate plenipotentiary ;

His Excellency Mr. de Martens, Privy Councilor, permanent member of the Council of the

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eign Affairs, Privy Councilor,
 delegate plenipotentiary;
 Mr. de Basily, Councilor of
 State, Chamberlain, Director
 of the First Department of
 the Imperial Ministry for
 Foreign Affairs, delegate
 plenipotentiary;
 Mr. Raffalovich, Councilor of
 State, Agent in France of the
 Imperial Ministry for Fi-
 nance, technical delegate;
 Mr. Gilinsky, Colonel on the
 General Staff, technical de-
 legate;
 Count Barantzew, Colonel of
 Horse Artillery of the Guard,
 technical delegate;
 Captain Schéine, Russian Naval
 Agent in France, technical
 delegate;
 Mr. Ovtchinnikow, Naval Lieu-
 tenant, professor of juris-
 prudence, technical delegate.

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Imperial Ministry for For-
 eign Affairs, member of the
 Permanent Court of Arbitra-
 tion, delegate plenipotentiary;
 His Excellency Mr. Tchary-
 kow, Councilor of State,
 Chamberlain, Envoy Extraor-
 dinary and Minister Plenipo-
 tentiary at The Hague, dele-
 gate plenipotentiary;
 Mr. Prozor, Councilor of State,
 Chamberlain, Russian Minis-
 ter at Rio de Janeiro, techni-
 cal delegate;
 Major General Yermolow, Mil-
 itary Attaché at London,
 technical delegate.
 Colonel Michelson, Military
 Attaché at Berlin, technical
 delegate;
 Captain Behr, Naval Attaché at
 London, technical delegate;
 Colonel Ovtchinnikow, of the
 Admiralty, professor of in-
 ternational law at the Naval
 Academy, technical delegate.

Salvador:

Salvador.

Mr. Pedro J. Matheu, Chargé
 d'Affaires at Paris, member
 of the Permanent Court of
 Arbitration, delegate plenipo-
 tentiary;
 Mr. Santiago Perez Triana,
 Chargé d'Affaires at London,
 member of the Permanent
 Court of Arbitration, delegate
 plenipotentiary.

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Serbia.

For Serbia :

Mr. Miyatovitch, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, delegate plenipotentiary ;

Colonel Maschine, Envoy Extraordinary and Minister Plenipotentiary at Cetinje, delegate plenipotentiary ;

Dr. Voislav Veljkovitch, professor on the Faculty of Law at Belgrade, assistant delegate.

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Serbia :

His Excellency General Sava Grouitch, President of the Council of State, delegate plenipotentiary ;

His Excellency Mr. Milovan Milovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Rome, member of the Permanent Court of Arbitration, delegate plenipotentiary ;

His Excellency Mr. Michel Militchévitch, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, delegate plenipotentiary.

Siam.

For Siam :

His Excellency Phya Suriya Nuvatr, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and Paris, first delegate, plenipotentiary ;

His Excellency Phya Visuddha Suriya Sakdi, Envoy Extraordinary and Minister Plenipotentiary at The Hague and London, second delegate, plenipotentiary ;

Mr. Ch. Corragioni d'Orelli, Counselor of Legation, third delegate ;

Mr. Édouard Rolin, Siamese Consul General in Belgium, fourth delegate.

Siam :

Major General Mom Chatidej Udom, delegate plenipotentiary ;

Mr. Corragioni d'Orelli, Counselor of Legation at Paris, delegate plenipotentiary ;

Captain Luang Bhuvanarth Narübal, delegate plenipotentiary.

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For Sweden and Norway:

The Baron de Bildt, Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Italy, delegate plenipotentiary.

Sweden:

Colonel P. H. E. Brändström, Chief of First Regiment of Grenadiers of the Guard, technical delegate;

Captain C. A. M. de Hjulhammar, Swedish Navy, technical delegate.

Norway:

Mr. W. Konow, President of the Odelsting, technical delegate;

Major General J. J. Thaulow, Surgeon General of the Army and Navy, technical delegate.

For Switzerland:

Dr. Arnold Roth, Envoy Extraordinary and Minister Plenipotentiary at Berlin, delegate plenipotentiary;

Colonel Arnold Künzli, National Councilor, delegate;

Mr. Édouard Odier, National Councilor, delegate plenipotentiary.

1907

Sweden:

His Excellency Mr. Knut Hjalmar Leonard de Hammar-skjöld, Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, ex-Minister of Justice, member of the Permanent Court of Arbitration, first delegate plenipotentiary;

Mr. Johannes Hellner, ex-Minister without Portfolio, ex-member of the Supreme Court of Sweden, member of the Permanent Court of Arbitration, second delegate plenipotentiary.

Colonel David Hedengren, Commanding a Regiment of Artillery, technical delegate; Commander Gustaf de Klint, Head of a Section on the Staff of the Royal Navy, technical delegate.

Switzerland:

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, delegate plenipotentiary;

Mr. Eugène Borel, Colonel on the General Staff, professor at the University of Geneva, delegate plenipotentiary;

Mr. Max Huber, professor of law at the University of Zürich, delegate plenipotentiary.

Sweden.

Switzerland.

1899

Turkey.

For Turkey :

His Excellency Turkhan Pasha,
ex-Minister for Foreign Af-
fairs, member of the Council
of State, first delegate, pleni-
potentiary ;

Noury Bey, Secretary General
to the Ministry for Foreign
Affairs, delegate plenipoten-
tiary ;

Abdullah Pasha, General of Di-
vision of the Staff, delegate
plenipotentiary ;

Mehemed Pasha, Rear-Admiral,
delegate plenipotentiary.

Uruguay.

Venezuela.

1907

Turkey :

His Excellency Turkhan Pasha,
Ambassador Extraordinary,
Minister of the Evkaf, first
delegate plenipotentiary ;

His Excellency Rechid Bey,
Turkish Ambassador at
Rome, delegate plenipoten-
tiary ;

His Excellency Vice-Admiral
Mehemed Pasha, delegate
plenipotentiary ;

Raif Bey, Legal Adviser on the
Civil List, assistant delegate ;
Colonel on the Staff Mehemed
Said Bey, assistant delegate.

Uruguay :

Mr. José Batlle y Ordóñez, ex-
President of the Republic,
member of the Permanent
Court of Arbitration, first
delegate plenipotentiary ;

His Excellency Mr. Juan P.
Castro, ex-President of the
Senate, Envoy Extraordinary
and Minister Plenipotentiary
at Paris, member of the Per-
manent Court of Arbitration,
delegate plenipotentiary ;

Colonel Sebastian Buquet,
Commanding a Regiment of
Field Artillery, technical del-
egate.

The United States of Venezuela :

Mr. José Gil Fortoul, Chargé
d'Affaires at Berlin, delegate
plenipotentiary.

1899

In a series of meetings, between the 18th May and the 29th July, 1899, in which the constant desire of the delegates above-mentioned has been to realize, in the fullest manner possible, the generous views of the august initiator of the Conference and the intentions of their Governments, the Conference has agreed, for submission for signature by the plenipotentiaries, on the text of the Conventions and Declarations enumerated below and annexed to the present Act:

- I. Convention for the peaceful adjustment of international differences.

- II. Convention regarding the laws and customs of war on land.

1907

At a series of meetings, held from the 15th June to the 18th October, 1907, in which the above delegates were throughout animated by the desire to realize, in the fullest possible measure, the generous views of the august initiator of the Conference and the intentions of their Governments, the Conference drew up, for submission for signature by the plenipotentiaries, the text of the Conventions and of the Declaration enumerated below and annexed to the present Act:

- I. Convention for the pacific settlement of international disputes. Preamble.
Conventions:
Pacific settlements.
- II. Convention respecting the limitation of the employment of force for the recovery of contract debts. Contract debts.
- III. Convention relative to the opening of hostilities. Opening of hostilities.
- IV. Convention respecting the laws and customs of war on land. Land warfare.
- V. Convention respecting the rights and duties of neutral powers and persons in case of war on land. Neutrals in war on land.
- VI. Convention relative to the status of enemy merchant ships at the outbreak of hostilities. Enemy merchant ships.
- VII. Convention relative to the conversion of merchant ships into war-ships. Conversion.

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Submarine
mines.

Naval
bombardment.

Geneva
Convention.

Capture in
naval war.

Prize Court.

Neutrals in
naval war.

Declarations:

Projectiles
from balloons.

Asphyxiating
gases.

Expanding
bullets.

III. Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of the 22d August, 1864.

IV. Three Declarations:

1. To prohibit the launching of projectiles and explosives from balloons or by other similar new methods.
2. To prohibit the use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.
3. To prohibit the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core or is pierced with incisions.

VIII. Convention relative to the laying of automatic submarine contact mines.

IX. Convention respecting bombardment by naval forces in time of war.

X. Convention for the adaptation to naval war of the principles of the Geneva Convention.

XI. Convention relative to certain restrictions with regard to the exercise of the right of capture in naval war.

XII. Convention relative to the creation of an International Prize Court.

XIII. Convention concerning the rights and duties of neutral Powers in naval war.

XIV. Declaration prohibiting the discharge of projectiles and explosives from balloons.

1899

These Conventions and Declarations shall form so many separate Acts. These Acts shall be dated this day, and may be signed up to the 31st December, 1899, by the plenipotentiaries of the Powers represented at the International Peace Conference at The Hague.

1907

These Conventions and Declaration shall form so many separate Acts. These Acts shall be dated this day, and may be signed up to the 30th June, 1908, at The Hague, by the plenipotentiaries of the Powers represented at the Second Peace Conference.

Signing
of above.

The Conference, actuated by the spirit of mutual agreement and concession characterizing its deliberations, has agreed upon the following Declaration, which, while reserving to each of the Powers represented full liberty of action as regards voting, enables them to affirm the principles which they regard as unanimously admitted:

It is unanimous—

Declaration
respecting
obligatory
arbitration.

1. In admitting the principle of compulsory arbitration.

2. In declaring that certain disputes, in particular those relating to the interpretation and application of the provisions of international agreements, may be submitted to compulsory arbitration without any restriction.

Finally, it is unanimous in proclaiming that, although it has not yet been found feasible to conclude a Convention in this sense, nevertheless the divergences of opinion which have come to light have not exceeded the bounds of judicial controversy, and that, by

1899

Resolution
respecting
limitation
of military
expenditure.

Guided by the same sentiments, the Conference has adopted unanimously the following Resolution:

The Conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind.

Vaux.

It has besides formulated the following *Vaux*:

1. (1899) Revision of Geneva Convention.
(1907) Judicial Arbitration Court.

1. The Conference, taking into consideration the preliminary step taken by the Swiss Federal Government for the revision of the Geneva Convention, expresses the wish that steps may be shortly taken for the assembly of a special Conference having for its object the revision of that Convention.

This wish was voted unanimously.

1907

working together here during the past four months, the collected Powers not only have learnt to understand one another and to draw closer together, but have succeeded in the course of this long collaboration in evolving a very lofty conception of the common welfare of humanity.

The Conference has further unanimously adopted the following Resolution:

The Second Peace Conference confirms the Resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and inasmuch as military expenditure has considerably increased in almost every country since that time, the Conference declares that it is eminently desirable that the Governments should resume the serious examination of this question.

It has besides expressed the following *Vaux*:

1. The Conference recommends to the signatory Powers the adoption of the annexed draft Convention¹ for the creation of a Judicial Arbitration Court, and the bringing it into force as soon as an agreement has been reached respecting the selection of the judges and the constitution of the Court.

1899

2. The Conference expresses the wish that the questions of the rights and duties of neutrals may be inserted in the program of a Conference in the near future.
3. The Conference expresses the wish that the questions with regard to rifles and naval guns, as considered by it, may be studied by the Governments with the object of coming to an agreement respecting the employment of new types and calibers.
4. The Conference expresses the wish that the Governments, taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets.
5. The Conference expresses the wish that the proposal, which contemplates the declaration of the inviolability of private property in naval warfare,

1907

2. The Conference expresses the opinion that, in case of war, the responsible authorities, civil as well as military, should make it their special duty to ensure and safeguard the maintenance of pacific relations, more especially of the commercial and industrial relations between the inhabitants of the belligerent States and neutral countries.
 3. The Conference expresses the opinion that the Powers should regulate, by special treaties, the position, as regards military charges, of foreigners residing within their territories.
 4. The Conference expresses the opinion that the preparation of regulations relative to the laws and customs of naval war should figure in the program of the next Conference, and that in any case the Powers may apply, as far as possible, to war by sea the principles of the Convention relative to the laws and customs of war on land.
- Finally, the Conference recommends to the Powers the assembly of a Third Peace Conference, which might be held within a period corresponding to that

2. (1899) Rights and duties of neutrals.
(1907) Maintenance of relations between belligerents and neutrals.

3. (1899) Types and calibers of guns.
(1907) Military charges on resident aliens.

4. (1899) Limitation of armed forces and budgets.
(1907) Laws and customs of naval war.

5. (1899) Private property in naval war.
(1907) Third Peace Conference.

1899

may be referred to a subsequent Conference for consideration.

1907

which has elapsed since the preceding Conference, at a date to be fixed by common agreement between the Powers, and it calls their attention to the necessity of preparing the program of this Third Conference a sufficient time in advance to ensure its deliberations being conducted with the necessary authority and expedition.

In order to attain this object the Conference considers that it would be very desirable that, some two years before the probable date of the meeting, a preparatory committee should be charged by the Governments with the task of collecting the various proposals to be submitted to the Conference, of ascertaining what subjects are ripe for embodiment in an international regulation, and of preparing a program which the Governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested. This committee should further be intrusted with the task of proposing a system of organization and procedure for the Conference itself.

6. (1899) Naval bombardment of ports, etc.

6. The Conference expresses the wish that the proposal to settle the question of the bombardment of ports, towns, and villages by a naval force may be referred to a subse-

1899

quent Conference for consideration.

The last five wishes were voted unanimously, saving some abstentions.

In faith of which, the plenipotentiaries have signed the present Act, and have affixed their seals thereto.

Done at The Hague, 29th July, 1899, in one copy only, which shall be deposited in the Ministry for Foreign Affairs, and of which copies, duly certified, shall be delivered to all the Powers represented at the Conference.

[Here follow signatures.]

1907

In faith whereof the Plenipotentiaries have signed the present Act and have affixed their seals thereto.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to all the Powers represented at the Conference.

[Here follow signatures.]

Signing.

Deposit of original.

Certified copies to Powers.

Annex to the First Vow¹ of the Second Peace Conference

**DRAFT CONVENTION RELATIVE TO THE CREATION OF A
JUDICIAL ARBITRATION COURT**

PART I.—*Constitution of the Judicial Arbitration Court*

Constitution of Court.

ARTICLE 1

With a view to promoting the cause of arbitration, the contracting Powers agree to constitute, without altering the status of the Permanent Court of Arbitration,² a Judicial Arbitration Court, of free and easy access, composed of judges representing the various juridical systems of the world, and capable of insuring continuity in arbitral jurisprudence.

Status of Permanent Court of Arbitration not altered.

ARTICLE 2

The Judicial Arbitration Court is composed of judges and deputy judges chosen from persons of the highest moral reputation, and all

Qualifications of members of Court.

¹*Ante*, p. 28.

²*Post*, p. 57.

fulfilling conditions qualifying them, in their respective countries, to occupy high legal posts, or be jurists of recognized competence in matters of international law.

The judges and deputy judges of the Court are appointed, as far as possible, from the members of the Permanent Court of Arbitration. The appointment shall be made within the six months following the ratification of the present Convention.

ARTICLE 3

Term of
service.

The judges and deputy judges are appointed for a period of twelve years, counting from the date on which the appointment is notified to the Administrative Council¹ created by the Convention for the pacific settlement of international disputes. Their appointments can be renewed.

Vacancies.

Should a judge or deputy judge die or retire, the vacancy is filled in the manner in which his appointment was made. In this case, the appointment is made for a fresh period of twelve years.

ARTICLE 4

Rank of
members.

The judges of the Judicial Arbitration Court are equal and rank according to the date on which their appointment was notified. The judge who is senior in point of age takes precedence when the date of notification is the same.

The deputy judges are assimilated, in the exercise of their functions, with the judges. They rank, however, below the latter.

ARTICLE 5

Diplomatic
privileges and
immunities.

The judges enjoy diplomatic privileges and immunities in the exercise of their functions, outside their own country.

Before taking their seat, the judges and deputy judges must, before the Administrative Council, swear or make a solemn affirmation to exercise their functions impartially and conscientiously.

ARTICLE 6

Special
delegation.

The Court annually nominates three judges to form a special delegation and three more to replace them should the necessity arise. They may be reelected. They are balloted for. The persons who

¹*Post*, p. 62.

secure the largest number of votes are considered elected. The delegation itself elects its president, who, in default of a majority, is appointed by lot.

A member of the delegation can not exercise his duties when the Power which appointed him, or of which he is a national, is one of the parties.

The members of the delegation are to conclude all matters submitted to them, even if the period for which they have been appointed judges has expired.

ARTICLE 7

A judge may not exercise his judicial functions in any case in which he has, in any way whatever, taken part in the decision of a national tribunal, of a tribunal of arbitration, or of a commission of inquiry, or has figured in the suit as counsel or advocate for one of the parties.¹

Disqualification
of a judge.

A judge can not act as agent or advocate before the Judicial Arbitration Court or the Permanent Court of Arbitration, before a special tribunal of arbitration or a commission of inquiry, nor act for one of the parties in any capacity whatsoever so long as his appointment lasts.

ARTICLE 8

The Court elects its president and vice-president by an absolute majority of the votes cast. After two ballots, the election is made by a bare majority and, in case the votes are even, by lot.

Court elects
its president
and vice-
president.

ARTICLE 9

The judges of the Judicial Arbitration Court receive an annual salary of 6,000 Netherland florins. This salary is paid at the end of each half-year, reckoned from the date on which the Court meets for the first time.

Compensation
of judges.

In the exercise of their duties during the sessions or in the special cases covered by the present Convention, they receive the sum of 100 florins *per diem*. They are further entitled to receive a traveling allowance fixed in accordance with regulations existing in their own country. The provisions of the present paragraph are applicable also to a deputy judge when acting for a judge.

These emoluments are included in the general expenses of the Court dealt with in Article 31, and are paid through the International Bureau²

¹Cf. Article 18, *post*, p. 35.

²*Post*, p. 57.

created by the Convention for the pacific settlement of international disputes.

ARTICLE 10

The judges may not accept from their own Government or from that of any other Power any remuneration for services connected with their duties in their capacity of members of the Court.

ARTICLE 11

Seat of
the Court.

The seat of the Judicial Court of Arbitration is at The Hague, and can not be transferred, unless absolutely obliged by circumstances, elsewhere.

The delegation may choose, with the assent of the parties concerned, another site for its meetings, if special circumstances render such a step necessary.

ARTICLE 12

Functions of
Administrative
Council.

The Administrative Council fulfils with regard to the Judicial Court of Arbitration the same functions as to the Permanent Court of Arbitration.

ARTICLE 13

Functions of
International
Bureau.

The International Bureau acts as registry to the Judicial Court of Arbitration, and must place its offices and staff at the disposal of the Court. It has charge of the archives and carries out the administrative work.

The secretary general of the Bureau discharges the functions of registrar.

Secretaries,
etc., appointed
by Court.

The necessary secretaries to assist the registrar, translators and shorthand writers are appointed and sworn in by the Court.

ARTICLE 14

Sessions.

The Court meets in session once a year. The session opens the third Wednesday in June and lasts until all the business on the agenda has been transacted.

The Court does not meet in session if the delegation considers that such meeting is unnecessary. However, when a Power is party in a case actually pending before the Court, the pleadings in which are closed, or about to be closed, it may insist that the session should be held.

When necessary, the delegation may summon the Court in extraordinary session.

ARTICLE 15

A report of the doings of the Court shall be drawn up every year by the delegation. This report shall be forwarded to the contracting Powers through the International Bureau. It shall also be communicated to the judges and deputy judges of the Court.

Report.

ARTICLE 16

The judges and deputy judges, members of the Judicial Arbitration Court, can also exercise the functions of judge and deputy judge in the International Prize Court.

Judges may exercise functions in International Prize Court.

PART II.—*Competency and Procedure*

Competency and procedure.

ARTICLE 17

The Judicial Court of Arbitration is competent to deal with all cases submitted to it, in virtue either of a general undertaking to have recourse to arbitration or of a special agreement.

Competency of Court.

ARTICLE 18

The delegation is competent—

Competency of delegation.

1. To decide the arbitrations referred to in the preceding article, if the parties concerned are agreed that the summary procedure, laid down in Part IV, Chapter IV, of the Convention for the pacific settlement of international disputes is to be applied ;

2. To hold an inquiry under and in accordance with Part III of the said Convention, in so far as the delegation is intrusted with such inquiry by the parties acting in common agreement. With the assent of the parties concerned, and as an exception to Article 7, paragraph 1, the members of the delegation who have taken part in the inquiry may sit as judges, if the case in dispute is submitted to the arbitration of the Court or of the delegation itself.

ARTICLE 19

The delegation is also competent to settle the *compromis* referred to in Article 52 of the Convention for the pacific settlement of international disputes if the parties are agreed to leave it to the Court.

Delegation may draw up *compromis* if parties agree ;

It is equally competent to do so, even when the request is only made by one of the parties concerned, if all attempts have failed to reach an understanding through the diplomatic channel, in the case of—

or in case of
a dispute
governed by a
general treaty;

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present Convention has come into force, providing for a *compromis* in all disputes, and not either explicitly or implicitly excluding the settlement of the *compromis* from the competence of the delegation. Recourse can not, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of questions to be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the arbitration tribunal the power of deciding this preliminary question.

or of one
originating from
contract debts.

2. A dispute arising from contract debts claimed from one Power by another Power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the *compromis* should be settled in some other way.

ARTICLE 20

Parties may
nominate
judges.

Each of the parties concerned may nominate a judge of the Court to take part, with power to vote, in the examination of the case submitted to the delegation.

If the delegation acts as a commission of inquiry, this task may be intrusted to persons other than the judges of the Court. The traveling expenses and remuneration to be given to the said persons are fixed and borne by the Powers appointing them.

ARTICLE 21

Contracting
Powers only
to have access
to Court.

The contracting Powers only may have access to the Judicial Arbitration Court set up by the present Convention.

ARTICLE 22

Rules of
procedure.

The Judicial Court of Arbitration follows the rules of procedure laid down in the Convention for the pacific settlement of international disputes, except in so far as the procedure is laid down in the present Convention.

ARTICLE 23

The Court determines what language it will itself use and what languages may be used before it. Languages.

ARTICLE 24

The International Bureau serves as channel for all communications to be made to the judges during the interchange of pleadings provided for in Article 63, paragraph 2, of the Convention for the pacific settlement of international disputes. International Bureau channel for communication.

ARTICLE 25

For all notices to be served, in particular on the parties, witnesses, or experts, the Court may apply direct to the Government of the State on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence. Notices to be served.

The requests addressed for this purpose can only be rejected when the Power applied to considers them likely to impair its sovereign rights or its safety. If the request is complied with, the fees charged must only comprise the expenses actually incurred.

The Court is equally entitled to act through the Power on whose territory it sits.

Notices to be given to parties in the place where the Court sits may be served through the International Bureau.

ARTICLE 26

The discussions are under the control of the president or vice-president, or, in case they are absent or can not act, of the senior judge present. Control of discussions.

The judge appointed by one of the parties can not preside.

ARTICLE 27

The Court considers its decisions in private, and the proceedings are secret. Decisions and proceedings.

All decisions are arrived at by a majority of the judges present. If the number of judges is even and equally divided, the vote of the junior judge, in the order of precedence laid down in Article 4, paragraph 1, is not counted. Decisions by majority.

ARTICLE 28

Requisites of
judgment.

The judgment of the Court must give the reasons on which it is based. It contains the names of the judges taking part in it; it is signed by the president and registrar.

ARTICLE 29

Payment
of costs.

Each party pays its own costs and an equal share of the costs of the trial.

ARTICLE 30

Articles 21 and
29 applicable
to procedure be-
fore delegation.

The provisions of Articles 21 to 29 are applicable by analogy to the procedure before the delegation.

When the right of attaching a member to the delegation has been exercised by one of the parties only, the vote of the member attached is not recorded if the votes are evenly divided.

ARTICLE 31

Expenses
of Court.

The general expenses of the Court are borne by the contracting Powers.

The Administrative Council applies to the Powers to obtain the funds requisite for the working of the Court.

ARTICLE 32

Rules of
procedure.

The Court itself draws up its own rules of procedure, which must be communicated to the contracting Powers.

After the ratification of the present Convention the Court shall meet as early as possible in order to elaborate these rules, elect the president and vice-president, and appoint the members of the delegation.

ARTICLE 33

Modifications
in provisions
respecting
procedure.

The Court may propose modifications in the provisions of the present Convention concerning procedure. These proposals are communicated through the Netherland Government to the contracting Powers, which will consider together as to the measures to be taken.

PART III.—*Final Provisions*Final
provisions.

ARTICLE 34

The present Convention shall be ratified as soon as possible.

Ratification.

The ratifications shall be deposited at The Hague.

Deposit at
The Hague.

A *procès-verbal* of the deposit of each ratification shall be drawn up, of which a duly certified copy shall be sent through the diplomatic channel to all the signatory Powers.

ARTICLE 35

The Convention shall come into force six months after its ratification.

Duration of
Convention.

It shall remain in force for twelve years, and shall be tacitly renewed for periods of twelve years, unless denounced.

The denunciation must be notified, at least two years before the expiration of each period, to the Netherland Government, which will inform the other Powers.

Denunciation

The denunciation shall only have effect in regard to the notifying Power. The Convention shall continue in force as far as the other Powers are concerned.

Notifying
Power only
affected.SIGNATURES AND RESERVATION¹

The 1899 Final Act was signed by plenipotentiaries of all the Powers represented at the First Conference, to wit:

Austria-Hungary	Montenegro
Belgium	Netherlands
Bulgaria	Persia
China	Portugal
Denmark	Roumania
France	Russia
Germany	Serbia
Great Britain	Siam
Greece	Spain
Italy	Sweden and Norway
Japan	Switzerland
Luxemburg	Turkey
Mexico	United States

¹The Final Acts, being summaries of the proceedings of the Conferences, are not conventional agreements and accordingly are not ratified.

The 1907 Final Act was signed by the above-mentioned Powers,¹ as well as by the following:

Argentine Republic	Guatemala
Bolivia	Haiti
Brazil	Nicaragua
Chile	Panama
Colombia	Peru
Cuba	Salvador
Dominican Republic	Uruguay
Ecuador	Venezuela

*Reservation:*²

Switzerland

Under reservation of *Væu* No. 1, which the Swiss Federal Council does not accept.

¹In 1907 Norway and Sweden signed as separate Powers.

²Reservation made at signature.

THE HAGUE CONVENTIONS OF 1899 (I) AND 1907 (I) FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

1899

CONVENTION (I) for the pacific settlement of international disputes.—Signed at The Hague, July 29, 1899.

His Majesty the German Emperor, King of Prussia; [etc.] :

Animated by a strong desire to concert for the maintenance of the general peace;

Resolved to second by their best efforts the friendly settlement of international disputes;

Recognizing the solidarity which unites the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Court of Arbitration, accessible to all, in the midst of the independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of arbitral procedure;

1907

CONVENTION (I) for the pacific settlement of international disputes.—Signed at The Hague, October 18, 1907.¹

His Majesty the German Emperor, King of Prussia; [etc.] :

Animated by the sincere desire to work for the maintenance of general peace;

Resolved to promote by all the efforts in their power the friendly settlement of international disputes;

Recognizing the solidarity uniting the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a tribunal of arbitration, accessible to all, in the midst of independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of the procedure of arbitration;

Purpose of
Convention.

¹Italics indicate differences between the Conventions of 1899 and 1907.

1899

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an international agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Plenipotentiaries.

Being desirous of concluding a Convention to this effect, have appointed as their plenipotentiaries, to wit:

[Here follow the names of plenipotentiaries.]

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

Maintenance of general peace.

TITLE I.—ON THE MAINTENANCE OF THE GENERAL PEACE

ARTICLE 1

With a view to obviating, as far as possible, recourse to force in

Peaceful settlement of differences.

1907

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an international agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Being desirous, *with this object, of insuring the better working in practice of commissions of inquiry and tribunals of arbitration, and of facilitating recourse to arbitration in cases which allow of a summary procedure;*

Have deemed it necessary to revise in certain particulars and to complete the work of the First Peace Conference for the pacific settlement of international disputes;

The high contracting Parties have resolved to conclude a new Convention for this purpose, and have appointed the following as their plenipotentiaries:

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:

PART I.—THE MAINTENANCE OF GENERAL PEACE

ARTICLE 1

With a view to obviating as far as possible recourse to force in the

1899

the relations between States, the signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.

TITLE II.—ON GOOD OFFICES AND MEDIATION

ARTICLE 2

In case of serious disagreement or conflict, before an appeal to arms, the signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

ARTICLE 3

Independently of this recourse, the signatory Powers recommend that one or more Powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

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relations between States, the *contracting* Powers agree to use their best efforts to insure the pacific settlement of international differences.

PART II.—GOOD OFFICES AND MEDIATION

ARTICLE 2

In case of serious disagreement or dispute, before an appeal to arms, the *contracting* Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

ARTICLE 3

Independently of this recourse, the *contracting* Powers deem it expedient *and desirable* that one or more Powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers strangers to the dispute have the right to offer good offices or mediation even during the course of hostilities.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

Good offices and mediation.

Recourse to good offices of friendly Power

Offers of mediation.

During hostilities.

Not an unfriendly act.

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ARTICLE 4

Function of
mediator.

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

ARTICLE 5

End of mediator's
functions.

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute, or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE 6

Not binding.

Good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice and never have binding force.

ARTICLE 7

War measures
not interrupted.

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If mediation occurs after the commencement of hostilities it causes no interruption to the military operations in progress, un-

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ARTICLE 4

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

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The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE 6

Good offices and mediation undertaken either at the request of the parties in dispute or on the initiative of Powers strangers to the dispute have exclusively the character of advice, and never have binding force.

ARTICLE 7

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If it takes place after the commencement of hostilities, the military operations in progress are not interrupted in the absence of

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less there be an agreement to the contrary.

ARTICLE 8

The signatory Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering the peace, the States at variance choose respectively a Power, to whom they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, can not exceed thirty days, the States in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are charged with the joint task of taking advantage of any opportunity to restore peace.

TITLE III.—ON INTERNATIONAL COMMISSIONS OF INQUIRY

ARTICLE 9

In differences of an international nature involving neither

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an agreement to the contrary.

ARTICLE 8

The *contracting* Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering peace, the States at variance choose respectively a Power, to which they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, can not exceed thirty days, the States in dispute cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, which must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are charged with the joint task of taking advantage of any opportunity to restore peace.

PART III.—INTERNATIONAL COMMISSIONS OF INQUIRY

ARTICLE 9

In disputes of an international nature involving neither honor

Special mediation.

Choosing mediators.

Direct communication to cease between States in dispute.

Efforts to restore peace

International commissions of inquiry.

Investigations of differences of opinion as to facts.

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honor nor vital interests, and arising from a difference of opinion on points of fact, the signatory Powers recommend that the parties, who have not been able to come to an agreement by means of diplomacy, should as far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10

The international commissions of inquiry are constituted by special agreement between the parties in conflict.

Special
agreements.

The convention for an inquiry defines the facts to be examined and the extent of the commissioners' powers.

It settles the procedure.

Extent of
commission's
jurisdiction.

On the inquiry both sides must be heard.¹

The form and the periods to be observed, if not stated in the inquiry convention, are decided by the commission itself.

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nor vital interests, and arising from a difference of opinion on points of fact, the *contracting* Powers deem it expedient *and desirable* that the parties who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10

International commissions of inquiry are constituted by special agreement between the parties in dispute.

The inquiry convention defines the facts to be examined; *it determines the mode and time in which the commission is to be formed* and the extent of the powers of the commissioners.

It also determines, if there is need, where the commission is to sit, and whether it may remove to another place, the language the commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and, generally speaking, all the conditions upon which the parties have agreed.

¹This provision appears in Article 19 of the 1907 Convention, *post*, p. 49.

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If the parties consider it necessary to appoint assessors, the convention of inquiry shall determine the mode of their selection and the extent of their powers. Assessors.

ARTICLE 11

If the inquiry convention has not determined where the commission is to sit, it will sit at The Hague. Place of meeting, etc.

The place of meeting, once fixed, can not be altered by the commission except with the assent of the parties.

If the inquiry convention has not determined what languages are to be employed, the question shall be decided by the commission.

ARTICLE 11

The international commissions of inquiry are formed, unless otherwise stipulated, in the manner fixed by Article 32 of the present convention.

ARTICLE 12

Unless an undertaking is made to the contrary, commissions of inquiry shall be formed in the manner determined by Articles 45 and 57 of the present Convention. Formation.

ARTICLE 13

Should one of the commissioners or one of the assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him. Filling vacancies.

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ARTICLE 14

Special agents.

The parties are entitled to appoint special agents to attend the commission of inquiry, whose duty it is to represent them and to act as intermediaries between them and the commission.

Counsel.

They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the commission.

ARTICLE 15

Assistance of
International
Bureau.

The International Bureau of the Permanent Court of Arbitration acts as registry for the commissions which sit at The Hague, and shall place its offices and staff at the disposal of the contracting Powers for the use of the commission of inquiry.

ARTICLE 16

Registry.

If the commission meets elsewhere than at The Hague, it appoints a secretary general, whose office serves as registry.

Functions.

It is the function of the registry, under the control of the president, to make the necessary arrangements for the sittings of the commission, the preparation of the minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.

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ARTICLE 17

In order to facilitate the constitution and working of commissions of inquiry, the contracting Powers recommend the following rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.

General rules
of procedure.

ARTICLE 18

The commission shall settle the details of the procedure not covered by the special inquiry convention or the present Convention, and shall arrange all the formalities required for dealing with the evidence.

Further details.

ARTICLE 19

On the inquiry both sides must be heard.¹

Hearings.

At the dates fixed, each party communicates to the commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

ARTICLE 20

The commission is entitled, with the assent of the Powers, to move temporarily to any place

Change of
meeting place.

¹See Article 10 of the 1899 Convention, *ante*, p. 46.

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where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the State on whose territory it is proposed to hold the inquiry.

ARTICLE 21

Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.

ARTICLE 22

The commission is entitled to ask from either party for such explanations and information as it considers necessary.

ARTICLE 12

ARTICLE 23

Presence at
investigations.

Explanations,
etc.

Presenting
evidence.

Appearance
of witnesses.

The Powers in dispute engage to supply the international commission of inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

The *parties* undertake to supply the commission of inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

They undertake to make use of the means at their disposal, under their municipal law, to insure the appearance of the witnesses or experts who are in their territory and have been summoned before the commission.

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If the witnesses or experts are unable to appear before the commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.

Depositions.

ARTICLE 24

For all notices to be served by the commission in the territory of a third contracting Power, the commission shall apply direct to the Government of the said Power. The same rule applies in the case of steps being taken on the spot to procure evidence.

Serving notice
other countries.

The requests for this purpose are to be executed so far as the means at the disposal of the Power applied to under its municipal law allow. They can not be rejected unless the Power in question considers they are calculated to impair its sovereign rights or its safety.

The commission will equally be always entitled to act through the Power on whose territory it sits.

ARTICLE 25

The witnesses and experts are summoned on the request of the parties or by the commission of its own motion, and, in every case, through the Government of the State in whose territory they are.

Summoning
witnesses.

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Hearings.

The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the commission.

ARTICLE 26**Examination
of witnesses.**

The examination of witnesses is conducted by the president.

The members of the commission may however put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.

The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the president to put such additional questions to the witness as they think expedient.

ARTICLE 27**Restriction
on witnesses.**

The witness must give his evidence without being allowed to read any written draft. He may, however, be permitted by the president to consult notes or documents if the nature of the facts referred to necessitates their employment.

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ARTICLE 28

A minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.

Transcript
of evidence.

When the whole of his statement has been read to the witness, he is asked to sign it.

ARTICLE 29

The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.

Statements
by agents.

ARTICLE 30

The commission considers its decisions in private and the proceedings are secret.

Decisions of
commission.

All questions are decided by a majority of the members of the commission.

Majority
to decide.

If a member declines to vote, the fact must be recorded in the minutes.

Record of
declining
to vote.

ARTICLE 31

The sittings of the commission are not public, nor the minutes and documents connected with the inquiry published except in

Sittings, etc.,
not public.

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virtue of a decision of the commission taken with the consent of the parties.

ARTICLE 32

Termination
of inquiry.

After the parties have presented all the explanations and evidences, and the witnesses have all been heard, the president declares the inquiry terminated, and the commission adjourns to deliberate and to draw up its report.

ARTICLE 13

ARTICLE 33

Report.

The international commission of inquiry communicates its report to the conflicting Powers, signed by all the members of the commission.

The report is signed by all the members of the commission.

If one of the members refuses to sign, the fact is mentioned; but the validity of the report is not affected.

ARTICLE 34

Reading
of report.

The report of the commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.

A copy of the report is given to each party.

ARTICLE 14

ARTICLE 35

Effect
of report.

The report of the international commission of inquiry is limited to a statement of facts, and has in no way the character of an arbitral award. It leaves the

The report of the commission is limited to a statement of facts, and has in no way the character of an award. It leaves to the parties entire freedom as to the

1899

conflicting Powers entire freedom as to the effect to be given to this statement.

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effect to be given to the statement.

ARTICLE 36

Each party pays its own expenses and an equal share of the expenses incurred by the commission. Expenses.

TITLE IV.—ON INTERNATIONAL ARBITRATION

CHAPTER I.—*On the System of Arbitration*

ARTICLE 15

International arbitration has for its object the settlement of differences between States by judges of their own choice, and on the basis of respect for law.

PART IV.—INTERNATIONAL ARBITRATION

CHAPTER I.—*The System of Arbitration* System.

ARTICLE 37

International arbitration has for its object the settlement of disputes between States by judges of their own choice and on the basis of respect for law. Object.

Recourse to arbitration implies an engagement to submit in good faith to the award.¹ Submission to award.

ARTICLE 16²

In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the signatory Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

ARTICLE 38²

In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the *contracting* Powers as the most effective, and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle. Recognition by Powers.

Consequently, it would be de- Recourse to its use.

¹Cf. Article 18 of the 1899 Convention, *post*, p. 56.

²See the footnote on p. 56.

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sirable that, in disputes about the above-mentioned questions, the contracting Powers should, if the case arose, have recourse to arbitration, in so far as circumstances permit.

ARTICLE 17¹ARTICLE 39¹

Questions to
be considered.

The arbitration convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

The arbitration convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.²

ARTICLE 18

The arbitration convention implies the engagement to submit loyally to the award.³

ARTICLE 19¹ARTICLE 40¹

Extension of
principle
reserved.

Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the signatory Powers, these Powers reserve to themselves the right of concluding, either before the ratification of the present Act or later, new agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.

Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the *contracting* Powers, the said Powers reserve to themselves the right of concluding new agreements, general or particular, with a view to extending compulsory arbitration to all cases which they may consider it possible to submit to it.

¹See the reservations of Roumania respecting Articles 16, 17 and 19 of the 1899 Convention and the corresponding articles of the 1907 Convention, *post*, pp. 82, 86.

²Chile also made a reservation respecting Article 39, *post*, p. 86.

³Cf. Article 37, paragraph 2, of the 1907 Convention, *ante*, p. 55.

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CHAPTER II.—*On the Permanent Court of Arbitration*

ARTICLE 20

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the signatory Powers undertake to organize a Permanent Court of Arbitration, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present Convention.

ARTICLE 21

The Permanent Court shall be competent for all arbitration cases, unless the parties agree to institute a special tribunal.

ARTICLE 22

An International Bureau, established at The Hague, serves as record office for the Court.

This Bureau is the channel for communications relative to the meetings of the Court.

It has the custody of the archives and conducts all the administrative business.

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CHAPTER II.—*The Permanent Court of Arbitration*

ARTICLE 41

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the *contracting* Powers undertake to *maintain the* Permanent Court of Arbitration, *as established by the First Peace Conference*, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present Convention.

ARTICLE 42

The Permanent Court is competent for all arbitration cases, unless the parties agree to institute a special tribunal.

ARTICLE 43

The Permanent Court sits at The Hague.¹

An International Bureau serves as registry for the Court. It is the channel for communications relative to the meetings of the Court; it has charge of the archives and conducts all the administrative business.

Permanent Court of Arbitration.

Maintenance agreed to.

Authority.

Location.

International Bureau. Purpose, etc.

¹Cf. Article 25, paragraph 1, of the 1899 Convention, *post*, p. 61.

1899

1907

Awards of
special
tribunals.

The signatory Powers undertake to communicate to the International Bureau at The Hague a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special tribunals.

The *contracting* Powers undertake to communicate to the Bureau, *as soon as possible*, a certified copy of any conditions of arbitration arrived at between them and of any award concerning them delivered by a special tribunal.

Execution
of awards.

They undertake also to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the awards given by the Court.

They likewise undertake to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the awards given by the Court.

ARTICLE 23

ARTICLE 44

Selection
of arbitrators.

Within the three months following its ratification of the present Act, each signatory Power shall select four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrators.

Each *contracting* Power *selects* four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrator.

List of members

The persons thus selected shall be inscribed, as members of the Court, in a list which shall be notified by the Bureau to all the signatory Powers.

The persons thus selected *are* inscribed, as members of the Court, in a list which shall be notified to all the *contracting* Powers by the Bureau.

Changes.

Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the signatory Powers.

Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the *contracting* Powers.

Selection
in common.

Two or more Powers may agree on the selection in common of one or more members.

Two or more Powers may agree on the selection in common of one or more members.

The same person can be selected by different Powers.

The same person can be selected by different Powers.

1899

The members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a member of the Court, his place shall be filled in accordance with the method of his appointment.

ARTICLE 24

When the signatory Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the arbitrators called upon to form the competent tribunal to decide this difference must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the arbitration tribunal, the following course shall be pursued:

Each party appoints two arbitrators, and these together choose an umpire.

If the votes are equal, the choice of the umpire is intrusted to a third Power, selected by the parties by common accord.

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The members of the Court are appointed for a term of six years. These appointments are renewable.

Should a member of the Court die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. *In this case the appointment is made for a fresh period of six years.*

ARTICLE 45

When the *contracting* Powers wish to have recourse to the Permanent Court for the settlement of a difference which has arisen between them, the arbitrators called upon to form the tribunal with jurisdiction to decide this difference must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the arbitration tribunal, the following course shall be pursued:

Each party appoints two arbitrators, *of whom one only can be its national or chosen from among the persons selected by it as members of the Permanent Court.* These arbitrators together choose an umpire.

If the votes are equally divided, the choice of the umpire is intrusted to a third Power, selected by the parties by common accord.

Term of service.

Vacancies.

Powers to choose tribunal.

Failure of direct agreement.

Appointment of separate arbitrators.

Umpire.

1899

Selection by
other Powers.

If an agreement is not arrived at on this subject, each party selects a different Power, and the choice of the umpire is made in concert by the Powers thus selected.

Determination
of umpire
in case of
disagreement.

Notification
to Bureau.

The tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the arbitrators.

Notification
to arbitrators.

Meeting of
tribunal.

The tribunal of arbitration assembles on the date fixed by the parties.

Diplomatic
privileges.

The members of the Court, in the discharge of their duties and out of their own country, enjoy diplomatic privileges and immunities.

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If an agreement is not arrived at on this subject each party selects a different Power, and the choice of the umpire is made in concert by the Powers thus selected.

If, within two months' time, these two Powers can not come to an agreement, each of them presents two candidates taken from the list of members of the Permanent Court, exclusive of the members selected by the parties and not being nationals of either of them. Drawing lots determines which of the candidates thus presented shall be umpire.

ARTICLE 46

The tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court, *the text of their compromis*, and the names of the arbitrators.

The Bureau communicates without delay to each arbitrator the compromis, and the names of the other members of the tribunal.

The tribunal assembles at the date fixed by the parties. *The Bureau makes the necessary arrangements for the meeting.*

The members of the *tribunal*, in the exercise of their duties and out of their own country, enjoy diplomatic privileges and immunities.

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ARTICLE 25

The tribunal of arbitration has its ordinary seat at The Hague.¹

Except in cases of necessity, the place of session can only be altered by the tribunal with the assent of the parties.

ARTICLE 26

The International Bureau at The Hague is authorized to place its premises and its staff at the disposal of the signatory Powers for the operations of any special board of arbitration.

The jurisdiction of the Permanent Court, may, within the conditions laid down in the regulations, be extended to disputes between non-signatory Powers, or between signatory Powers and non-signatory Powers, if the parties are agreed on recourse to this tribunal.

ARTICLE 27

The signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present Convention, and

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ARTICLE 47

The Bureau is authorized to place its offices and staff at the disposal of the *contracting* Powers for the use of any special board of arbitration.

Use of Bureau for special boards.

The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes between *non-contracting* Powers or between *contracting* Powers and *non-contracting* Powers, if the parties are agreed on recourse to this tribunal.

Extension to non-contracting Powers.

ARTICLE 48²

The *contracting* Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Notifying disputants.

Consequently, they declare that the fact of reminding the parties at variance of the provisions of the present Convention, and the

Regarded as a friendly act.

¹Cf. Article 43, paragraph 1, of the 1907 Convention, *ante*, p. 57.

²See the reservation of the United States on the subject of this article, *post*, p. 87.

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the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

Offer for
arbitration.

Notice to
other Power.

ARTICLE 28

A Permanent Administrative Council, composed of the diplomatic representatives of the signatory Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as president, shall be instituted in this town as soon as possible after the ratification of the present Act by at least nine Powers.

This Council will be charged with the establishment and organization of the International Bureau, which will be under its direction and control.

It will notify to the Powers the constitution of the Court and will provide for its installation.

It will settle its rules of procedure and all other necessary regulations.

Functions.

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advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

In case of dispute between two Powers, one of them can always address to the International Bureau a note containing a declaration that it would be ready to submit the dispute to arbitration.

The Bureau must at once inform the other Power of the declaration.

ARTICLE 49

The Permanent Administrative Council, composed of the diplomatic representatives of the contracting Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as president, is charged with the direction and control of the International Bureau.

The Council settles its rules of procedure and all other necessary regulations.

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It will decide all questions of administration which may arise with regard to the operations of the Court.

It will have entire control over the appointment, suspension or dismissal of the officials and employes of the Bureau.

It will fix the payments and salaries, and control the general expenditure.

At meetings duly summoned the presence of five members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the signatory Powers without delay the regulations adopted by it. It furnishes them with an annual report on the labors of the Court, the working of the administration, and the expenses.

ARTICLE 29

The expenses of the Bureau shall be borne by the signatory Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

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It *decides* all questions of administration which may arise with regard to the operations of the Court.

It *has* entire control over the appointment, suspension, or dismissal of the officials and employes of the Bureau.

It *fixes* the payments and salaries, and controls the general expenditure.

At meetings duly summoned the presence of nine members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes. Quorum, etc.

The Council communicates to the *contracting* Powers without delay the regulations adopted by it. It furnishes them with an annual report on the labors of the Court, the working of the administration, and the expenditure. *The report likewise contains a résumé of what is important in the documents communicated to the Bureau by the Powers in virtue of Article 43, paragraphs 3 and 4.* Regulations.
Annual report.

ARTICLE 50

The expenses of the Bureau shall be borne by the *contracting* Powers in the proportion fixed for the International Bureau of the Universal Postal Union. Expenses.

The expenses to be charged to the adhering Powers shall be reck-

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*oned from the date on which their
adhesion comes into force.*

Procedure.

CHAPTER III.—*On Arbitral Procedure*CHAPTER III.—*Arbitration Procedure*

ARTICLE 30

ARTICLE 51

General rules.

With a view to encourage the development of arbitration, the signatory Powers have agreed on the following rules which shall be applicable to arbitral procedure, unless other rules have been agreed on by the parties.

With a view to encouraging the development of arbitration, the *contracting* Powers have agreed on the following rules, which are applicable to arbitration procedure, unless other rules have been agreed on by the parties.

ARTICLE 31

ARTICLE 52

Compromis.
Contents.

The Powers who have recourse to arbitration sign a special act (compromis), in which the subject of the difference is clearly defined, as well as the extent of the arbitrators' powers. This act implies the undertaking of the parties to submit loyally to the award.¹

The Powers which have recourse to arbitration sign a compromis, in which the subject of the dispute is clearly defined, *the time allowed for appointing arbitrators, the form, order, and time in which the communication referred to in Article 63 must be made, and the amount of the sum which each party must deposit in advance to defray the expenses.*

Further
conditions.

The compromis likewise defines, if there is occasion, the manner of appointing arbitrators, any special powers which may eventually belong to the tribunal, where it shall meet, the language it shall use, and the languages the employment of which shall be authorized before it, and, generally speaking, all the conditions on which the parties are agreed.

¹Cf. Article 37, paragraph 2, of the 1907 Convention, *ante*, p. 55.

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ARTICLE 53¹

The Permanent Court is competent to settle the compromis, if the parties are agreed to have recourse to it for the purpose.

Settlement by
Permanent
Court.

It is similarly competent, even if the request is only made by one of the parties, when all attempts to reach an understanding through the diplomatic channel have failed, in the case of—

Requests by
one Power.

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present Convention has come into force, and providing for a compromis in all disputes and not either explicitly or implicitly excluding the settlement of the compromis from the competence of the Court. Recourse can not, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the arbitration tribunal the power of deciding this preliminary question.

Disputes under
arbitration
treaties.

Exception.

2. A dispute arising from contract debts claimed from one Power by another Power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condi-

Contract debts.

¹See the reservations of this article, *post*, p. 85, *et seq.*

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tion that the compromis should be settled in some other way.¹

ARTICLE 54^a

In the cases contemplated in the preceding article, the compromis shall be settled by a commission consisting of five members selected in the manner arranged for in Article 45, paragraphs 3 to 6.

The fifth member is president of the commission ex officio.

ARTICLE 32

ARTICLE 55

Selection of
commission.

Selection of
arbitrators.

The duties of arbitrator may be conferred on one arbitrator alone or on several arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present Act.

The duties of arbitrator may be conferred on one arbitrator alone or on several arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present Convention.

Disagreements.

Failing the constitution of the tribunal by direct agreement between the parties, the following course shall be pursued:

Failing the constitution of the tribunal by direct agreement between the parties, the course referred to in Article 45, paragraphs 3 to 6, is followed.

Each party appoints two arbitrators, and these latter together choose an umpire.

In case of equal voting, the choice of the umpire is intrusted to a third Power, selected by the parties by common accord.

If no agreement is arrived at on this subject, each party selects a different Power, and the choice of the umpire is made in concert by the Powers thus selected.

¹See the reservation of the Dominican Republic to Convention II, *post*, p. 93.

²Japan made reservation of Article 54.

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ARTICLE 33

When a sovereign or the chief of a State is chosen as arbitrator, the arbitral procedure is settled by him.

ARTICLE 34

The umpire is by right president of the tribunal.

When the tribunal does not include an umpire, it appoints its own president.

ARTICLE 35

In case of the death, retirement, or disability from any cause of one of the arbitrators, his place shall be filled in accordance with the method of his appointment.

ARTICLE 36

The tribunal's place of session is selected by the parties. Failing this selection the tribunal sits at The Hague.

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ARTICLE 56

When a sovereign or the chief of a State is chosen as arbitrator, the arbitration procedure is settled by him.

Arbitration by a sovereign, etc.

ARTICLE 57

The umpire is president of the tribunal ex officio.

President of tribunal.

When the tribunal does not include an umpire, it appoints its own president.

ARTICLE 58

When the compromise is settled by a commission, as contemplated in Article 54, and in the absence of an agreement to the contrary, the commission itself shall form the arbitration tribunal.

Tribunal formed by commission.

ARTICLE 59

Should one of the arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

Vacancies.

ARTICLE 60

The tribunal sits at The Hague, unless some other place is selected by the parties.

Sessions.

The tribunal can only sit in the territory of a third Power with the latter's consent.

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The place thus fixed can not, except in case of necessity, be changed by the tribunal without the assent of the parties.

Selection
of language.

ARTICLE 37

Agents.

The parties have the right to appoint delegates or special agents to attend the tribunal, for the purpose of serving as intermediaries between them and the tribunal.

Counsel.

They are further authorized to retain, for the defense of their rights and interests before the tribunal, counsel or advocates appointed by them for this purpose.

Restriction on
members of
Permanent
Court.

ARTICLE 38

The tribunal decides on the choice of languages to be used by itself, and to be authorized for use before it.²

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The place of meeting once fixed can not be altered by the tribunal, except with the consent of the parties.

ARTICLE 61

If the question as to what languages are to be used has not been settled by the compromis, it shall be decided by the tribunal.¹

ARTICLE 62

The parties are entitled to appoint special agents to attend the tribunal to act as intermediaries between themselves and the tribunal.

They are further authorized to retain for the defence of their rights and interests before the tribunal counsel or advocates appointed by themselves for this purpose.

The members of the Permanent Court may not act as agents, counsel, or advocates except on behalf of the Power which appointed them members of the Court.

¹Cf. Article 38 of the 1899 Convention, *infra*.

²Cf. Article 61 of the 1907 Convention, *supra*.

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ARTICLE 39

As a general rule the arbitral procedure comprises two distinct phases: preliminary examination and discussion.

Preliminary examination consists in the communication by the respective agents to the members of the tribunal and to the opposite party of all printed or written acts and of all documents containing the arguments invoked in the case. This communication shall be made in the form and within the periods fixed by the tribunal in accordance with Article 49.

Discussion consists in the oral development before the tribunal of the arguments of the parties.

ARTICLE 40

Every document produced by one party must be communicated to the other party.

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ARTICLE 63

As a general rule, arbitration procedure comprises two distinct phases: pleadings and oral discussions.

The pleadings consist in the communication by the respective agents to the members of the tribunal and the opposite party of *cases, counter-cases, and, if necessary, of replies; the parties annex thereto all papers* and documents called for in the case. This communication shall be made *either directly or through the intermediary of the International Bureau, in the order and within the time fixed by the compromis.*

The time fixed by the compromis may be extended by mutual agreement by the parties, or by the tribunal when the latter considers it necessary for the purpose of reaching a just decision.

The discussions consist in the oral development before the tribunal of the arguments of the parties.

ARTICLE 64

A *certified copy* of every document produced by one party must be communicated to the other party.

Procedure.

Pleadings.

Extension
of time.Oral
discussions.Exchange of
documents.

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ARTICLE 65

Meeting of
tribunal.

Unless special circumstances arise, the tribunal does not meet until the pleadings are closed.

ARTICLE 41

ARTICLE 66

Discussions.

The discussions are under the direction of the president.

The discussions are under the control of the president.

Public.

They are only public if it be so decided by the tribunal, with the assent of the parties.

They are only public if it be so decided by the tribunal, with the assent of the parties.

Record.

They are recorded in the procès-verbaux drawn up by the secretaries appointed by the president. These procès-verbaux alone have an authentic character.

They are recorded in minutes drawn up by the secretaries appointed by the president. These minutes *are signed by the president and by one of the secretaries and* alone have an authentic character.

ARTICLE 42

ARTICLE 67

Limiting
discussions.

When the preliminary examination is concluded, the tribunal has the right to refuse discussion of all fresh acts or documents which one party may desire to submit to it without the consent of the other party.

After the close of the pleadings, the tribunal is entitled to refuse discussion of all new papers or documents which one of the parties may wish to submit to it without the consent of the other party.

ARTICLE 43

ARTICLE 68

Admission of
new evidence.

The tribunal is free to take into consideration fresh acts or documents to which its attention may be drawn by the agents or counsel of the parties.

The tribunal is free to take into consideration new papers or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the tribunal has the right to require the production of these acts or documents,

In this case, the tribunal has the right to require the production of these papers or documents, but

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but is obliged to make them known to the opposite party.

ARTICLE 44

The tribunal can, besides, require from the agents of the parties the production of all acts, and can demand all necessary explanations. In case of refusal, the tribunal takes note of it.

ARTICLE 45

The agents and counsel of the parties are authorized to present orally to the tribunal all the arguments they may think expedient in defense of their case.

ARTICLE 46

They have the right to raise objections and points. The decisions of the tribunal on those points are final, and can not form the subject of any subsequent discussion.

ARTICLE 47

The members of the tribunal have the right to put questions to the agents and counsel of the parties, and to demand explanations from them on doubtful points.

Neither the questions put nor the remarks made by members of the tribunal during the discussions can be regarded as an expression of opinion by the tri-

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is obliged to make them known to the opposite party.

ARTICLE 69

The tribunal can, besides, require from the agents of the parties the production of all papers, and can demand all necessary explanations. In case of refusal the tribunal takes note of it.

Production of all papers.

ARTICLE 70

The agents and the counsel of the parties are authorized to present orally to the tribunal all the arguments they may consider expedient in defense of their case.

Oral argument

ARTICLE 71

They are entitled to raise objections and points. The decisions of the tribunal on these points are final and can not form the subject of any subsequent discussion.

Decisions final

ARTICLE 72

The members of the tribunal are entitled to put questions to the agents and counsel of the parties, and to ask them for explanations on doubtful points.

Neither the questions put, nor the remarks made by members of the tribunal in the course of the discussions, can be regarded as an expression of opinion by the

Questions by arbitrator

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bunal in general, or by its members in particular.

ARTICLE 48

Competence
of tribunal.

The tribunal is authorized to declare its competence in interpreting the compromis as well as the other treaties which may be invoked in the case, and in applying the principles of international law.

ARTICLE 49

Special rules.

The tribunal has the right to issue rules of procedure for the conduct of the case, to decide the forms and periods within which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

Information to
be furnished.

Serving notice in
other countries.

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tribunal in general or by its members in particular.

ARTICLE 73

The tribunal is authorized to declare its competence in interpreting the compromis, as well as the other *papers and documents* which may be invoked, and in applying the principles of law.

ARTICLE 74

The tribunal is entitled to issue rules of procedure for the conduct of the case, to decide the forms, *order*, and time in which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE 75

The parties undertake to supply the tribunal, as fully as they consider possible, with all the information required for deciding the case.

ARTICLE 76

For all notices which the tribunal has to serve in the territory of a third contracting Power, the tribunal shall apply direct to the Government of that Power. The same rule applies in the case of steps being taken to procure evidence on the spot.

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The requests for this purpose are to be executed as far as the means at the disposal of the Power applied to under its municipal law allow. They can not be rejected unless the Power in question considers them calculated to impair its own sovereign rights or its safety.

Executing requests.

The Court will equally be always entitled to act through the Power on whose territory it sits.

ARTICLE 50

When the agents and counsel of the parties have submitted all explanations and evidence in support of their case, the president pronounces the discussion closed.

ARTICLE 77

When the agents and counsel of the parties have submitted all the explanations and evidence in support of their case the president shall declare the discussion closed.

Close of discussions.

ARTICLE 51

The deliberations of the tribunal take place in private. Every decision is taken by a majority of members of the tribunal.

ARTICLE 78

The tribunal considers its decisions in private and *the proceedings remain secret.*

Deliberation private.

All questions are decided by a majority of the members of the tribunal.

Majority to decide.

The refusal of a member to vote must be recorded in the procès-verbal.

ARTICLE 52

The award, given by a majority of votes, is accompanied by a statement of reasons. It is drawn up in writing and signed by each member of the tribunal.

Those members who are in the

ARTICLE 79

The award must give the reasons on which it is based. *It contains the names of the arbitrators; it is signed by the president and registrar or by the secretary acting as registrar.*

Statement of award.

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minority may record their dissent when signing.

ARTICLE 53

Announcement.

The award is read out at a public meeting of the tribunal, the agents and counsel of the parties being present, or duly summoned to attend.

ARTICLE 54

Finality.

The award, duly pronounced and notified to the agents of the parties at variance, puts an end to the dispute definitively and without appeal.

Disputes as to interpretation.

ARTICLE 55

Right of revision.

The parties can reserve in the compromis the right to demand the revision of the award.

Grounds for demand.

In this case, and unless there be an agreement to the contrary, the demand must be addressed to the tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence on the award, and

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ARTICLE 80

The award is read out in public sitting, the agents and counsel of the parties being present or duly summoned to attend.

ARTICLE 81

The award, duly pronounced and notified to the agents of the parties, settles the dispute definitively and without appeal.

ARTICLE 82

Any dispute arising between the parties as to the interpretation and execution of the award shall, in the absence of an agreement to the contrary, be submitted to the tribunal which pronounced it.

ARTICLE 83

The parties can reserve in the compromis the right to demand the revision of the award.

In this case and unless there be an agreement to the contrary, the demand must be addressed to the tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence upon the award and which was unknown to the tri-

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which, at the time the discussion was closed, was unknown to the tribunal and to the party demanding the revision.

Proceedings for revision can only be instituted by a decision of the tribunal expressly recording the existence of the new fact, recognizing in it the character described in the foregoing paragraph, and declaring the demand admissible on this ground.

The compromis fixes the period within which the demand for revision must be made.

ARTICLE 56

The award is only binding on the parties who concluded the compromis.

When there is a question of interpreting a Convention to which Powers other than those concerned in the dispute are parties, the latter notify to the former the compromis they have concluded. Each of these Powers has the right to intervene in the case. If one or more of them avail themselves of this right, the interpretation contained in the award is equally binding on them.

ARTICLE 57

Each party pays its own expenses and an equal share of those of the tribunal.

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bunal and to the party which demanded the revision at the time the discussion was closed.

Proceedings for revision can only be instituted by a decision of the tribunal expressly recording the existence of the new fact, recognizing in it the character described in the preceding paragraph, and declaring the demand admissible on this ground.

The compromis fixes the period within which the demand for revision must be made.

ARTICLE 84

The award is not binding except on the parties *in dispute*.

When it concerns the interpretation of a Convention to which Powers other than those in dispute are parties, they shall inform all the signatory Powers *in good time*. Each of these Powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the award is equally binding on them.

ARTICLE 85

Each party pays its own expenses and an equal share of the expenses of the tribunal.

Proceedings.

Limitation.

Parties bound

Right of other Powers to intervene.

Expenses.

Summary
arbitration.

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CHAPTER IV.—*Arbitration by
Summary Procedure*

Rules for sum-
mary procedure.

ARTICLE 86

With a view to facilitating the working of the system of arbitration in disputes admitting of a summary procedure, the Contracting Powers adopt the following rules, which shall be observed in the absence of other arrangements and subject to the reservation that the provisions of Chapter III apply so far as may be.

Arbitrators
and umpire.

ARTICLE 87

Each of the parties in dispute appoints an arbitrator. The two arbitrators thus selected choose an umpire. If they do not agree on this point, each of them proposes two candidates taken from the general list of the members of the Permanent Court exclusive of the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the umpire is determined by lot.

The umpire presides over the tribunal, which gives its decisions by a majority of votes.

Submission
of cases.

ARTICLE 88

In the absence of any previous agreement the tribunal, as soon as it is formed, settles the time with-

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in which the two parties must submit their respective cases to it.

ARTICLE 89

Each party is represented before the tribunal by an agent, who serves as intermediary between the tribunal and the Government who appointed him.

Agents.

ARTICLE 90

The proceedings are conducted exclusively in writing. Each party, however, is entitled to ask that witnesses and experts should be called. The tribunal has, for its part, the right to demand oral explanations from the agents of the two parties, as well as from the experts and witnesses whose appearance in Court it may consider useful.

Proceedings to be in writing.

Oral explanations.

GENERAL PROVISIONS

PART V.—FINAL PROVISIONS

Final provisions.

ARTICLE 91

The present Convention, duly ratified, shall replace, as between the contracting Powers, the Convention for the pacific settlement of international disputes of the 29th July, 1899.

Former Convention replaced.

ARTICLE 58

The present Convention shall be ratified as speedily as possible. The ratifications shall be deposited at The Hague.

ARTICLE 92

The present Convention shall be ratified as soon as possible. The ratifications shall be deposited at The Hague.

Ratification.

Deposit at The Hague.

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A procès-verbal shall be drawn up recording the receipt of each ratification, and a copy duly certified shall be sent, through the diplomatic channel, to all the Powers who were represented at the International Peace Conference at The Hague.

Certified copies
to Powers.

ARTICLE 59

The non-signatory Powers who were represented at the International Peace Conference can adhere to the present Convention. For this purpose they must make known their adhesion to the con-

Non-signatory
Powers may
adhere.

Notification
of intent.

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The first deposit of ratifications shall be recorded in a procès-verbal signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to those Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform the Powers of the date on which it received the notification.

ARTICLE 93

Non-signatory Powers which have been invited to the Second Peace Conference may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writ-

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tracting Powers by a written notification addressed to the Netherland Government, and communicated by it to all the other contracting Powers.

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ing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other Powers invited to the Second Peace Conference a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Communication to other Powers.

ARTICLE 60¹

The conditions on which the Powers who were not represented at the International Peace Conference can adhere to the present Convention shall form the subject of a subsequent agreement among the contracting Powers.

ARTICLE 94

The conditions on which the Powers which have not been *invited to the Second Peace Conference* may adhere to the present Convention shall form the subject of a subsequent agreement between the contracting Powers.

Adherence by other Powers.

ARTICLE 95

The present Convention shall take effect, in the case of the Powers which were not a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their

Effect of ratification.

¹For the protocol establishing, as regards the Powers unrepresented at the First Conference, the mode of adhesion to this Convention, see *ante*, p. xxix.

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*adhesion has been received by the
Netherland Government.*

ARTICLE 61

ARTICLE 96

Denunciation.

In the event of one of the high contracting Parties denouncing the present Convention, this denunciation would not take effect until a year after its notification made in writing to the Netherland Government, and by it communicated at once to all the other contracting Powers.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, *which shall immediately communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.*

Notifying
Power only
affected.

This denunciation shall only affect the notifying Power.

The denunciation shall only have effect in regard to the notifying Power, *and one year after the notification has reached the Netherland Government.*

ARTICLE 97

Register of
ratifications.

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications effected in virtue of Article 92, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 93, paragraph 2) or of denunciation (Article 96, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

Signing.

In faith of which the plenipotentiaries have signed the present

In faith whereof the plenipotentiaries have appended their

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Convention and affixed their seals to it.

Done at The Hague, the 29th July, 1899, in a single copy, which shall remain in the archives of the Netherland Government, and copies of it, duly certified, be sent through the diplomatic channel to the contracting Powers.

[Here follow signatures.]

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signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the contracting Powers.

[Here follow signatures.]

Deposit
of original.

Certified copies
to Powers.

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The 1899 Convention was *ratified* by all the signatory Powers on the dates indicated:

Austria-Hungary	September 4, 1900
Belgium	September 4, 1900
Bulgaria	September 4, 1900
China	November 21, 1904
Denmark	September 4, 1900
France	September 4, 1900
Germany	September 4, 1900
Great Britain	September 4, 1900
Greece	April 4, 1901
Italy	September 4, 1900
Japan	October 6, 1900
Luxemburg	July 12, 1901
Mexico	April 17, 1901
Montenegro	October 16, 1900
Netherlands	September 4, 1900
Norway	(See Sweden and Norway.)
Persia	September 4, 1900
Portugal	September 4, 1900
Roumania	September 4, 1900
Russia	September 4, 1900
Serbia	May 11, 1901

Siam	September 4, 1900
Spain	September 4, 1900
Sweden and Norway	September 4, 1900
Switzerland	December 29, 1900
Turkey	June 12, 1907
United States	September 4, 1900

Adhesions:

Argentine Republic	June 15, 1907
Bolivia	June 15, 1907
Brazil	June 15, 1907
Chile	June 15, 1907
Colombia	June 15, 1907
Cuba	June 15, 1907
Dominican Republic	June 15, 1907
Ecuador	July 3, 1907
Guatemala	June 15, 1907
Haiti	June 15, 1907
Nicaragua	June 15, 1907
Panama	June 15, 1907
Paraguay	June 15, 1907
Peru	June 15, 1907
Salvador	June 20, 1907
Uruguay	June 17, 1907
Venezuela	June 15, 1907

Reservations:¹

Roumania

Under the reservations formulated with respect to Articles 16, 17 and 19 of the present Convention (15, 16 and 18 of the project presented by the committee on examination), and recorded in the *procès-verbal* of the sitting of the Third Commission of July 20, 1899.²

Extract from the procès-verbal:

The Royal Government of Roumania being completely in favor of the principle of *facultative* arbitration, of which it appreciates the great importance in international relations, neverthe-

¹All these reservations were made at signature.

²Reservations maintained at ratification.

less does not intend to undertake, by Article 15, an engagement to accept arbitration in every case there provided for, and it believes it ought to form express reservations in that respect.

It can not therefore vote for this article, except under that reservation.

The Royal Government of Roumania declares that it can not adhere to Article 16 except with the express reservation, entered in the *procès-verbal*, that it has decided not to accept, in any case, an international arbitration for disagreements or disputes previous to the conclusion of the present Convention.

The Royal Government of Roumania declares that in adhering to Article 18 of the Convention, it makes no engagement in regard to obligatory arbitration.¹

Serbia

Under the reservations recorded in the *procès-verbal* of the Third Commission of July 20, 1899.²

Extract from the procès-verbal:

In the name of the Royal Government of Serbia we have the honor to declare that our adoption of the principle of good offices and mediation does not imply a recognition of the right of third States to use these means except with the extreme reserve which proceedings of this delicate nature require.

We do not admit good offices and mediation except on condition that their character of purely friendly counsel is maintained fully and completely, and we never could accept them in forms and circumstances such as to impress upon them the character of intervention.³

Turkey

Under reservation of the declaration made in the plenary sitting of the Conference of July 25, 1899.

Extract from the procès-verbal:

The Turkish delegation, considering that the work of this Conference has been a work of high loyalty and humanity, destined solely to assure general peace by safeguarding the interests and the rights of each one, declares, in the name of its Government, that it adheres to the project just adopted, on the following conditions:

1. It is formally understood that recourse to good offices and mediation, to commissions of inquiry and arbitration is

¹Declaration of Mr. Beldiman. *Procès-verbaux*, pt. iv, p. 48.

²Reservations maintained at ratification.

³Declaration of Mr. Miyatovitch. *Procès-verbaux*, pt. iv, p. 47.

purely facultative and could not in any case assume an obligatory character or degenerate into intervention;

2. The Imperial Government itself will be the judge of the cases where its interests would permit it to admit these methods without its abstention or refusal to have recourse to them being considered by the signatory States as an unfriendly act.

It goes without saying that in no case could the means in question be applied to questions concerning interior regulation.¹

United States

Under reservation of the declaration made at the plenary sitting of the Conference on the 25th of July, 1899.²

Extract from the procès-verbal:

The delegation of the United States of America on signing the Convention for the pacific settlement of international disputes, as proposed by the International Peace Conference, makes the following declaration:

Nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.³

The 1907 Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Bolivia	November 27, 1909
Brazil	January 5, 1914
China	November 27, 1909
Cuba	February 22, 1912
Denmark	November 27, 1909
France	October 7, 1910

¹Declaration of Turkhan Pasha. *Procès-verbaux*, pt. i, p. 70. This reservation does not appear in the instrument of ratification.

²Reservation maintained at ratification.

³*Procès-verbaux*, pt. i, p. 69. Compare the reservation of the United States to the 1907 Convention, *post*, p. 87.

Germany	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Roumania	March 1, 1912
Russia	November 27, 1909
Salvador	November 27, 1909
Siam	March 12, 1910
Spain	March 18, 1913
Sweden	November 27, 1909
Switzerland	May 12, 1910
United States.....	November 27, 1909

Adhesion:

Nicaragua	December 16, 1909
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The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Serbia
Ecuador	Turkey
Great Britain	Uruguay
Greece	Venezuela
Italy	

Reservations.¹

Brazil

With reservation as to Article 53, paragraphs 2, 3, and 4.²

¹All these reservations were made at signature except the second reservation of the United States.

²Reservation maintained at ratification.

Chile

Under reservation of the declaration formulated with regard to Article 39 in the seventh meeting of the First Commission on October 7.

Extract from the procès-verbal:

The delegation of Chile desires to make the following declaration in the name of its Government with respect to this article. Our delegation at the time of signing the Convention of 1899 for the pacific settlement of international disputes did so with the reservation that the adhesion of its Government as regards Article 17 would not include controversies or questions prior to the celebration of the Convention.

The delegation of Chile believes it to be its duty to-day to renew, with respect to the same provision, the reservation that it has previously made, although it may not be strictly necessary in view of the similar character of the provision.¹

Greece

With the reservation of paragraph 2 of Article 53.

Japan

With reservation of paragraphs 3 and 4 of Article 48, of paragraph 2 of Article 53, and of Article 54.²

Roumania

With the same reservations formulated by the Roumanian plenipotentiaries on signing the Convention for the pacific settlement of international disputes of July 29, 1899.³

Switzerland

Under reservation of Article 53, number 2.²

Turkey

Under reservation of the declarations recorded in the *procès-verbal* of the ninth plenary session of the Conference held on October 16, 1907.

Extract from the procès-verbal:

The Ottoman delegation declares, in the name of its Government, that while it is not unmindful of the beneficent influence

¹Statement of Mr. Domingo Gana. *Actes et documents*, vol. ii, p. 121.

²Reservation maintained at ratification.

³Reservations maintained at ratification. See *ante*, p. 82.

which good offices, mediation, commissions of inquiry, and arbitration are able to exercise on the maintenance of the pacific relations between States, in giving its adhesion to the whole of the draft, it does so on the understanding that such methods remain, as before, purely optional; it could in no case recognize them as having an obligatory character rendering them susceptible of leading directly or indirectly to an intervention.

The Imperial Government proposes to remain the sole judge of the occasions when it shall be necessary to have recourse to the different proceedings or to accept them without its determination on the point being liable to be viewed by the signatory States as an unfriendly act.

It is unnecessary to add that such methods should never be applied in cases of internal order.¹

United States

Under reservation of the declaration made in the plenary session of the Conference held on October 16, 1907.²

Extract from the procès-verbal:

The delegation of the United States renews the reservation made in 1899 on the subject of Article 48 of the Convention for the pacific settlement of international disputes in the form of the following declaration:

Nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.³

The act of ratification contains the following reservation:

That the United States approves this Convention with the understanding that recourse to the Permanent Court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in Article 53 of said Convention, to exclude the formulation of the *compromis* by the Permanent Court, and hereby excludes from the competence of the Permanent Court the power to frame the *compromis* re-

¹Statements of Turkhan Pasha. *Actes et documents*, vol. i, p. 336.

²Reservation maintained at ratification.

³Statement of Mr. David Jayne Hill. *Actes et documents*, vol. i, p. 335.

quired by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the *compromis* required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise.

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**CONVENTION (II) RESPECTING THE LIMITATION OF THE EMPLOY-
MENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS**

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

Being desirous of avoiding between nations armed conflicts of a pecuniary origin arising from contract debts which are claimed from the Government of one country by the Government of another country as due to its nationals, have resolved to conclude a Convention to this effect, and have appointed the following as their plenipotentiaries: [Here follow the names of the plenipotentiaries.]

Purpose of
Convention.

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

The contracting Powers agree not to have recourse to armed force for the recovery of contract debts claimed from the Government of one country by the Government of another country as being due to its nationals.

Armed force
not to be used
for recovering
contract debts.

This undertaking is, however, not applicable when the debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any *compromis* from being agreed on, or, after the arbitration, fails to submit to the award.

Exception.

ARTICLE 2

It is further agreed that the arbitration mentioned in paragraph 2 of the foregoing article shall be subject to the procedure laid down in Part IV, Chapter III, of the Hague Convention for the pacific settlement of international disputes. The award shall determine, except where otherwise agreed between the parties, the validity of the claim, the amount of the debt, and the time and mode of payment.

Arbitration
procedure.

Award.

ARTICLE 3

Ratification.

The present Convention shall be ratified as soon as possible.

Deposit at
The Hague.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

Certified copies
to Powers.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be sent immediately by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 4

Non-signatory
Powers
may adhere.
Notification
of intent.

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Communication
to other
Powers.

The said Government shall forward immediately to all the other Powers invited to the Second Peace Conference a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 5

Effect of
ratification.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 6

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

Denunciation.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

Notifying
Power
only affected.

ARTICLE 7

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 3, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 4, paragraph 2) or of denunciation (Article 6, paragraph 1) were received.

Register of
ratifications.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Signing.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to the contracting Powers through the diplomatic channel.

Deposit of
original.

[Here follow signatures.]

 RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Great Britain	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911

Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Russia	November 27, 1909
Salvador	November 27, 1909
Spain	March 18, 1913
United States	November 27, 1909

Adhesions:

China	January 15, 1910
Liberia	February 4, 1914
Nicaragua	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Italy
Bolivia	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Cuba	Serbia
Dominican Republic	Turkey
Ecuador	Uruguay
Greece	

Reservations.¹

Argentine Republic

The Argentine Republic makes the following reservations:

1. With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign Government, recourse shall not be had to arbitration except in the specific case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.

2. Public loans, secured by bond issues and constituting the national debt, shall in no case give rise to military aggression or the material occupation of the soil of American nations.

¹All these reservations, except those of Nicaragua and the United States, were made at signature.

Bolivia

Under the reservation stated to the First Commission.

Extract from the procès-verbal:

It seems to me, therefore, that the acceptance of the proposition before us will but mean the legitimation by the *Peace Conference* of a certain class of *wars*, or at least interventions based on disputes which relate neither to the honor nor vital interests of the creditor States.

In consequence of these forceful reasons, the delegation of Bolivia regrets not to give its entire assent to the proposition under discussion.¹

Colombia

Colombia makes the following reservations:

It does not agree to the employment of force in any case for the recovery of debts, whatever be their nature. It accepts arbitration only after a final decision has been rendered by the courts of the debtor nations.

Dominican Republic

With the reservation made at the plenary session of October 16, 1907.

Extract from the procès-verbal:

The delegation of the Dominican Republic confirms its favorable vote on the proposal of the delegation of the United States relative to the limitation of the employment of force for the recovery of contract debts; but it renews its reservation as to the condition contained in this part of the clause: "or after accepting the offer, prevents any *compromis* from being agreed on," as its interpretation might lead to excessive consequences which would be the more regrettable as they are provided for and avoided in the plan of Article 53 of the new Convention for the pacific settlement of international disputes.²

Ecuador

With the reservations made at the plenary session of October 16, 1907.

Extract from the procès-verbal:

The delegation of Ecuador will vote affirmatively while maintaining the reservations made in the First Commission.³

¹Statement of Mr. Claudio Pinilla. *Actes et documents*, vol. ii, p. 142.

²Statement of Mr. Apolinar Tejera. *Actes et documents*, vol. i, p. 337.

³Statement of Mr. Dorn y de Alsúa. *Actes et documents*, vol. i, p. 338.

Greece

With the reservation made at the plenary session of October 16, 1907.

Extract from the procès-verbal:

In the eighth meeting of the First Commission the Greek delegation, being without definite instructions, was obliged to reserve its vote on the subject of the proposition of the United States of America on the treatment of contract debts. We are to-day in a position to declare that the Royal Government accepts the said proposition, which has for its aim the doing away, by peaceful means, of differences between nations and the exclusion, conformably to the principles of international law, of the employment of armed force outside of armed conflicts. We consider, at the same time, that the provisions contained in paragraphs 2 and 3 of the text voted can not affect existing stipulations nor laws in force in the realm.¹

Guatemala

1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign Government, recourse shall be had to arbitration only in case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.²

2. Public loans secured by bond issues and constituting national debts shall in no case give rise to military aggression or the material occupation of the soil of American nations.²

Nicaragua

The act of adhesion contains the following reservations:

(a) With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign Government, recourse shall be had to arbitration only in the specific case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.

(b) Public loans secured by bond issues and constituting the national debt shall in no case give rise to military aggression or the material occupation of the soil of American nations.

¹Statement of Mr. Rangabé. *Actes et documents*, vol. i, p. 336.

²Reservation maintained at ratification.

Peru

Under the reservation that the principles laid down in this Convention shall not be applicable to claims or differences arising from contracts concluded by a country with foreign subjects when it has been expressly stipulated in these contracts that the claims or differences must be submitted to the judges or courts of the country.

Salvador

We make the same reservations as the Argentine Republic above.¹

United States

The act of ratification contains the following reservation:

That the United States approves this Convention with the understanding that recourse to the Permanent Court for the settlement of the differences referred to in said Convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute.

Uruguay

Under reservation of the second paragraph of Article 1, because the delegation considers that arbitration may always be refused as a matter of right if the fundamental law of the debtor nation, prior to the contract which has given rise to the doubts or disputes, or this contract itself, has stipulated that such doubts or disputes shall be settled by the courts of the said nation.

¹*Ante*, p. 92. Reservation maintained at ratification.

CONVENTION (III) RELATIVE TO THE OPENING OF HOSTILITIES

Signed at The Hague, October 18, 1907

Purpose of
Convention.

His Majesty the German Emperor, King of Prussia; [etc.] :

Considering that it is important, in order to ensure the maintenance of pacific relations, that hostilities should not commence without previous warning;

Plenipotentiaries

That it is equally important that the existence of a state of war should be notified without delay to neutral Powers;

Being desirous of concluding a Convention to this effect, have appointed the following as their plenipotentiaries:

[Here follow the names of plenipotentiaries.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

Notice of
commencing
hostilities.

The contracting Powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a declaration of war, giving reasons, or of an ultimatum with conditional declaration of war.

ARTICLE 2

Notice to
neutral Powers.

The existence of a state of war must be notified to the neutral Powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may, however, be given by telegraph. Neutral Powers, nevertheless, cannot rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war.

ARTICLE 3

Effect on
contracting
Powers.

Article 1 of the present Convention shall take effect in case of war between two or more of the contracting Powers.

Article 2 is binding as between a belligerent Power which is a party to the Convention and neutral Powers which are also parties to the Convention.

ARTICLE 4

The present Convention shall be ratified as soon as possible.

Ratification.

The ratifications shall be deposited at The Hague.

Deposit at
The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

Certified copy
to Powers.

ARTICLE 5

Non-signatory Powers may adhere to the present Convention.

Non-signatory
Powers
may adhere.

The Power which wishes to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Notification
of intent.

The said Government shall at once forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

Communicatio
to other Power

ARTICLE 6

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Effect of
ratification.

ARTICLE 7

Denunciation. In the event of one of the high contracting Parties wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

Notifying Power only affected. The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE 8

Register of ratifications. A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 4, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 5, paragraph 2) or of denunciation (Article 7, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

Signing. In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Deposit of original. Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Bolivia	November 27, 1909
Brazil	January 5, 1914
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909

Great Britain.....	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Roumania	March 1, 1912
Russia	November 27, 1909
Salvador	November 27, 1909
Siam	March 12, 1910
Spain	March 18, 1913
Sweden	November 27, 1909
Switzerland	May 12, 1910
United States.....	November 27, 1909

Adhesions:

China	January 15, 1910
Liberia	February 4, 1914
Nicaragua	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Cuba	Serbia
Dominican Republic	Turkey
Ecuador	Uruguay
Greece	Venezuela
Italy	

Reservations: none.

THE HAGUE CONVENTIONS OF 1899 (II) AND 1907 (IV) RESPECTING
THE LAWS AND CUSTOMS OF WAR ON LAND

1899

CONVENTION (II) with respect to the laws and customs of war on land.—Signed at The Hague, July 29, 1899.

1907

CONVENTION (IV) respecting the laws and customs of war on land.—Signed at The Hague, October 18, 1907.¹

Purpose of
Convention.

His Majesty the German Emperor, King of Prussia; [etc.] :

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert ;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever increasing requirements of civilization ;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible ;

His Majesty the German Emperor, King of Prussia; [etc.] :

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert ;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization ;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible ;

¹Italics indicate differences between the Conventions of 1899 and 1907.

1899

Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land.

In view of the high contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations.

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice.

On the other hand, it could not be intended by the high contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military commanders.

Until a more complete code of the laws of war is issued, the high contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belliger-

1907

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the high contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert regulations covering all the circumstances which arise in practice;

On the other hand, the high contracting Parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

Until a more complete code of the laws of war has been issued, the high contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the in-

1899

ents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience;

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood;

Plenipotentiaries.

The high contracting Parties, desiring to conclude a Convention to this effect, have appointed as their plenipotentiaries, to wit:

[Here follow the names of plenipotentiaries.]

Who, after communication of their full powers, found in good and due form, have agreed on the following:

ARTICLE 1

The high contracting Parties shall issue instructions to their armed land forces, which shall be in conformity with the "Regulations respecting the laws and customs of war on land" annexed to the present Convention.

Instructions
to armed
land forces.

ARTICLE 2

The provisions contained in the Regulations mentioned in Article 1 are only binding on the contract-

Powers bound.

1907

habitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood.

The high contracting Parties, wishing to conclude a *fresh* Convention to this effect, have appointed the following as their plenipotentiaries:

[Here follow the names of plenipotentiaries.]

Who, after *having deposited* their full powers, found in good and due form, have agreed upon the following:

ARTICLE 1

The contracting *Powers* shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the laws and customs of war on land, annexed to the present Convention.

ARTICLE 2

The provisions contained in the Regulations referred to in Article 1, *as well as in the present Con-*

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ing Powers, in case of war between two or more of them.

These provisions shall cease to be binding from the time when, in a war between contracting Powers, a non-contracting Power joins one of the belligerents.

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vention, do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 3¹

A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

Penalty for violating regulations.

ARTICLE 4

The present Convention, duly ratified, shall as between the contracting Powers, be substituted for the Convention of the 29th July, 1899, respecting the laws and customs of war on land.

Prior Convention replaced.

The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.

Continuance of former Convention.

ARTICLE 3

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

ARTICLE 5

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a procès-verbal signed by the Representa-

Ratification.

Deposit at The Hague.

¹Turkey made reservation of Article 3.

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Certified copies
to Powers.

A procès-verbal shall be drawn up recording the receipt of each ratification, and a copy, duly certified, shall be sent through the diplomatic channel, to all the contracting Powers.

tives of the Powers which take part therein and by the Netherlands Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherlands Government and accompanied by the instrument of ratification.

A duly certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherlands Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 4

ARTICLE 6

Adherence of
non-signatory
Powers.

Non-signatory Powers are allowed to adhere to the present Convention.

Non-signatory Powers may adhere to the present Convention.

Notification
of intent

For this purpose they must make their adhesion known to the contracting Powers by means of a written notification, addressed to the Netherlands Government, and

The Power which desires to adhere notifies in writing its intention to the Netherlands Government, forwarding to it the act of adhesion, which shall be deposited

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by it communicated to all the other contracting Powers.

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in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Communicat'
to other Pow

ARTICLE 7

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Effect of
ratification.

ARTICLE 5

In the event of one of the high contracting Parties denouncing the present Convention, such denunciation would not take effect until a year after the written notification made to the Netherland Government, and by it at once communicated to all the other contracting Powers.

This denunciation shall affect only the notifying Power.

ARTICLE 8

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the noti-

Denunciatio

Notifying Po
only affected.

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fyng Power, and one year after the notification has reached the Netherland Government.

ARTICLE 9

Register of
ratifications.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 5, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 6, paragraph 2), or of denunciation (Article 8, paragraph 1) were received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

Signing.

In faith of which the plenipotentiaries have signed the present Convention and affixed their seals thereto.

In faith whereof the plenipotentiaries have *appended their signatures* to the present Convention.

Deposit
of original.

Done at the Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be delivered to the contracting Powers through the diplomatic channel.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers *which have been invited to the Second Peace Conference.*

[Here follow signatures.]

[Here follow signatures.]

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*Annex to the Convention*REGULATIONS RESPECTING THE
LAWS AND CUSTOMS OF WAR ON
LAND

SECTION I.—ON BELLIGERENTS

CHAPTER I.—*On the Qualifications of Belligerents*

ARTICLE 1

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;

2. To have a fixed distinctive emblem recognizable at a distance;

3. To carry arms openly; and

4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

ARTICLE 2

The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organize themselves

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In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

ARTICLE 2

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize

Regulations.

Belligerents.

Qualifications

Application of
laws of war
to all forces.

Description.

Forces include
in "army."Unorganized
belligerents
recognized.

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in accordance with Article 1, shall be regarded as belligerent, if they respect the laws and customs of war.

ARTICLE 3

Combatants and
non-combatants.

The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as prisoners of war.

Prisoners
of war.

CHAPTER II.—*On Prisoners of War*

ARTICLE 4

Responsibility
of capturing
Government.

Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

Treatment.

They must be humanely treated.

Personal
belongings.

All their personal belongings, except arms, horses, and military papers remain their property.

ARTICLE 5

Confinement.

Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety.

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themselves in accordance with Article 1, shall be regarded as belligerents *if they carry arms openly and* if they respect the laws and customs of war.

ARTICLE 3

The armed forces of the belligerent parties may consist of combatants and non-combatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

CHAPTER II.—*Prisoners of War*

ARTICLE 4

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they can not be confined except as an indispensable measure of safety *and only while the circumstances which necessitate the measure continue to exist.*

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ARTICLE 6

The State may utilize the labor of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

When the work is for other branches of the public service or for private persons, the conditions shall be settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

ARTICLE 7

The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners

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ARTICLE 6

The State may utilize the labor of prisoners of war according to their rank and aptitude, *officers excepted*. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid for at the rates in force for work of a similar kind done by soldiers of the national army, *or, if there are none in force, at a rate according to the work executed*.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

ARTICLE 7

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between the belliger-

Employment
at labor.

Payment.

Use of wages.

Maintenance

General
treatment.

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of war shall be treated as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State into whose hands they have fallen. Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping are again taken prisoners, are not liable to any punishment for the previous flight.

ARTICLE 9

Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class.

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ents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them.

ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of the previous flight.

ARTICLE 9

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

Subject to
military
laws, etc.

Insubordination.

Recaptured
prisoners.

Restrictions
for false
statements.

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ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honor, scrupulously to fulfil, both as regards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases, their own Government shall not require of nor accept from them any service incompatible with the parole given.

ARTICLE 11

A prisoner of war can not be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

ARTICLE 12

Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honor, or against the allies of that Government, forfeits his right to be treated as a prisoner of war, and can be brought before the courts.

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ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honor, scrupulously to fulfil, both towards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases their own Government is bound neither to require of nor accept from them any service incompatible with the parole given.

ARTICLE 11

A prisoner of war can not be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

ARTICLE 12

Prisoners of war liberated on parole and recaptured bearing arms against the Government to whom they had pledged their honor, or against the allies of that Government, forfeit their right to be treated as prisoners of war, and can be brought before the courts.

Parole to be observed.

Recognition of.

Parole to be voluntary.

Forfeiture of parole.

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ARTICLE 13

Treatment
of captured
reporters,
sutlers, etc.

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

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ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

ARTICLE 14

Bureau of in-
formation to
be established.

A bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States, and, when necessary, in the neutral countries on whose territory belligerents have been received. This bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is kept informed of internments and changes, as well as of admissions into hospital and deaths.

Functions.

ARTICLE 14

An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, *releases on parole, exchanges, escapes*, admissions into hospital, deaths, as well as other information necessary to enable it to make out *and keep up to date* an individual return for each prisoner of war. *The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date*

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It is also the duty of the information bureau to receive and collect all objects of personal use, valuables, letters, etc., found on the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested.

ARTICLE 15

Relief societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility, within the bounds of military requirements and administrative regulations, for the effective accomplishment of their humane task. Delegates of these societies may be admitted to the places of internment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on

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and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, etc., found on the field of battle or left by prisoners who have *been released on parole, or exchanged, or who have escaped, or* died in hospitals or ambulances, and to forward them to those concerned.

Receipt, etc.,
of property.

ARTICLE 15

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military

Recognition of
relief societies

Agents.

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giving an engagement in writing to comply with all their regulations for order and police.

ARTICLE 16

The information bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, shall be free of all postal duties both in the countries of origin and destination, as well as in those they pass through.

Gifts and relief in kind for prisoners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

ARTICLE 17

Officers taken prisoners may receive, if necessary, the full pay allowed them in this position by their country's regulations, the amount to be repaid by their Government.

ARTICLE 18

Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with

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authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

ARTICLE 16

Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or dispatched by them, shall be exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the State railways.

ARTICLE 17

Officers taken prisoners shall receive *the same rate of pay as officers of corresponding rank in the country where they are detained*, the amount to be ultimately refunded by their own Government.

ARTICLE 18

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever church they may belong to, on

Privileges
allowed.

Pay to officers
taken prisoners.

Religious liberty.

1899

the regulations for order and police issued by the military authorities.

ARTICLE 19

The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the national army.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall take place as speedily as possible.

CHAPTER III.—*On the Sick and Wounded*

ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention of the 22d August, 1864, subject to any modifications which may be introduced into it.

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the sole condition that they comply with the measures of order and police issued by the military authorities.

ARTICLE 19

The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army. Wills.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank. Burials, etc.

ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible. Repatriation.

CHAPTER III.—*The Sick and Wounded* Sick and wounded.

ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention. Geneva Convention to govern.

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Hostilities.	SECTION II.—ON HOSTILITIES	SECTION II.—HOSTILITIES
Means of injuring enemy, sieges, and bombardments.	CHAPTER I.— <i>On Means of Injuring the Enemy, Sieges, and Bombardments</i>	CHAPTER I.— <i>Means of Injuring the Enemy, Sieges, and Bombardments</i>
	ARTICLE 22	ARTICLE 22
Restriction.	The right of belligerents to adopt means of injuring the enemy is not unlimited.	The right of belligerents to adopt means of injuring the enemy is not unlimited.
	ARTICLE 23	ARTICLE 23
Special prohibitions.	Besides the prohibitions provided by special Conventions, it is especially prohibited—	In addition to the prohibitions provided by special Conventions, it is especially forbidden—
Poison.	(a.) To employ poison or poisoned arms;	(a.) To employ poison or poisoned weapons;
Treachery.	(b.) To kill or wound treacherously individuals belonging to the hostile nation or army;	(b.) To kill or wound treacherously individuals belonging to the hostile nation or army;
Killing those who have surrendered	(c.) To kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion;	(c.) To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;
Quarter.	(d.) To declare that no quarter will be given;	(d.) To declare that no quarter will be given;
Weapons causing unnecessary suffering.	(e.) To employ arms, projectiles, or material of a nature to cause superfluous injury;	(e.) To employ arms, projectiles, or material calculated to cause unnecessary suffering;
Abuse of flags and uniform.	(f.) To make improper use of a flag of truce, the national flag or military ensigns and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;	(f.) To make improper use of a flag of truce, of the national flag or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;
Unnecessary destruction or seizure of property.	(g.) To destroy or seize the enemy's property, unless such de-	(g.) To destroy or seize the enemy's property, unless such de-

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struction or seizure be imperatively demanded by the necessities of war.

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struction or seizure be imperatively demanded by the necessities of war;

(h.) To declare abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party.

Rights and actions.

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.¹

Forced service against one's own country.

ARTICLE 24

Ruses of war and the employment of methods necessary to obtain information about the enemy and the country, are considered allowable.

ARTICLE 24

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

Obtaining information permitted.

ARTICLE 25

The attack or bombardment of towns, villages, habitations or buildings which are not defended, is prohibited.

ARTICLE 25

The attack or bombardment, *by whatever means*, of towns, villages, dwellings, or buildings which are undefended is prohibited.

Assault on undefended towns, etc.

ARTICLE 26

The commander of an attacking force, before commencing a bombardment, except in the case of an assault, should do all he can to warn the authorities.

ARTICLE 26

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

Warning of bombardments.

¹Cf. Article 44 of the 1899 Convention, *post*, p. 123.

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ARTICLE 27

Buildings, etc.,
to be spared.

In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

Notification of.

The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.

ARTICLE 28

Pillage
prohibited.

The pillage of a town or place, even when taken by assault, is prohibited.

Spies.

CHAPTER II.—*On Spies*

ARTICLE 29

Definitions.

An individual can only be considered a spy if, acting clandestinely, or on false pretences, he obtains, or seeks to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not con-

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ARTICLE 27

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, *historic monuments*, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II.—*Spies*

ARTICLE 29

A person can only be considered a spy when, acting clandestinely or on false pretences, he obtains or endeavors to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of ob-

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sidered spies. Similarly, the following are not considered spies: soldiers or civilians, carrying out their mission openly, charged with the delivery of despatches destined either for their own army or for that of the enemy. To this class belong likewise individuals sent in balloons to deliver despatches, and generally to maintain communication between the various parts of an army or a territory.

ARTICLE 30

A spy taken in the act can not be punished without previous trial.

ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III.—*On Flags of Truce*

ARTICLE 32

An individual is considered as a parlementaire who is authorized by one of the belligerents to enter into communication with the other, and who carries a white

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taining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, intrusted with the delivery of despatches intended either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying despatches and, generally, of maintaining communications between the different parts of an army or a territory.

ARTICLE 30

A spy taken in the act shall not be punished without previous trial. Trial required.

ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage. Subsequent capture.

CHAPTER III.—*Flags of Truce* Flags of truce.

ARTICLE 32

A person is regarded as a parlementaire who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing Inviolability of bearers.

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flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flag-bearer, and the interpreter who may accompany him.

ARTICLE 33

The chief to whom a parlementaire is sent is not obliged to receive him in all circumstances.

He can take all steps necessary to prevent the parlementaire taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the parlementaire temporarily.

ARTICLE 34

The parlementaire loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treason.

ARTICLE 35

Capitulations agreed on between the contracting Parties must be in accordance with the rules of military honor.

When once settled, they must be scrupulously observed by both the parties.

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a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.

ARTICLE 33

The commander to whom a parlementaire is sent is not in all cases obliged to receive him.

He may take all the necessary steps to prevent the parlementaire taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the parlementaire temporarily.

ARTICLE 34

The parlementaire loses his rights of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treason.

ARTICLE 35

Capitulations agreed upon between the contracting Parties must take into account the rules of military honor.

Once settled, they must be scrupulously observed by both parties.

Reception not compulsory.

Treason of parlementaire.

Capitulations.

Military honor to be observed.

CHAPTER IV.—*On Capitulations*

CHAPTER IV.—*Capitulations*

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CHAPTER V.—*On Armistices*

ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE 37

An armistice may be general or local. The first suspends all military operations of the belligerent States; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

ARTICLE 38

An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

ARTICLE 39

It is for the contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theatre of war,

1907

CHAPTER V.—*Armistices*

Armistices.

ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

Effect.

ARTICLE 37

An armistice may be general or local. The first suspends the military operations of the belligerent States everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

General.

Local.

ARTICLE 38

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

Notification

Suspension
of hostilities

ARTICLE 39

It rests with the contracting Parties to settle, in the terms of the armistice, what communications may be held in the theatre

Communications
allowed with
inhabitants.

1899

with the population and with each other.

1907

of war with the inhabitants and between the inhabitants of one belligerent State and those of the other.

ARTICLE 40

Effect of
violation
by Powers.

Any serious violation of the armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

ARTICLE 41

Violation by
private persons.

A violation of the terms of the armistice by private individuals acting on their own initiative, only confers the right of demanding the punishment of the offenders, and, if necessary, indemnity for the losses sustained.

ARTICLE 41

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

Military
authority
over captured
territory.

SECTION III.—ON MILITARY AUTHORITY OVER HOSTILE TERRITORY

SECTION III.—MILITARY AUTHORITY OVER THE TERRITORY OF THE HOSTILE STATE

ARTICLE 42

Actual
occupation.

Territory is considered occupied when it is actually placed under the authority of the hostile army.

ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

Extent.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.

The occupation extends only to the territory where such authority has been established and can be exercised.

1899

ARTICLE 43

The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE 44¹

Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

ARTICLE 45

Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

ARTICLE 46

Family honors and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

Private property can not be confiscated.

ARTICLE 47

Pillage is formally prohibited.

1907

ARTICLE 43

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

Preservation of order and safety.

ARTICLE 44²

A belligerent is forbidden to force the inhabitants of territory occupied by it to *furnish information about the army of the other belligerent, or about its means of defense.*

Forcing information from inhabitants forbidden.

ARTICLE 45

It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.

Requiring oath of allegiance forbidden.

ARTICLE 46

Family honor and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.

Rights and property to be respected.

Private property can not be confiscated.

No confiscation.

ARTICLE 47

Pillage is formally forbidden.

Pillage forbidden.

¹Cf. the last paragraph of Article 23 of the 1907 Convention, *ante*, p. 117.

²See the reservations of various Powers, *post*, pp. 131, 132.

1899

ARTICLE 48

Collection
of taxes.

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

ARTICLE 49

Levies for
military needs

If, besides the taxes mentioned in the preceding article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

ARTICLE 50

General penalty
for acts of
individuals
forbidden.

No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it can not be regarded as collectively responsible.

ARTICLE 51

Collection of
contributions.

No tax shall be collected except under a written order and on the responsibility of a commander-in-chief.

1907

ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.

ARTICLE 49

If, in addition to the taxes mentioned in the above article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

ARTICLE 50

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they can not be regarded as jointly and severally responsible.

ARTICLE 51

No contribution shall be collected except under a written order, and on the responsibility of a commander-in-chief.

1899

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

For every payment a receipt shall be given to the taxpayer.

ARTICLE 52

Neither requisitions in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

These requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged.

ARTICLE 53

An army of occupation can only take possession of the cash, funds, and property liable to requisition belonging strictly to the State, depots of arms, means of trans-

1907

The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

ARTICLE 52

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given *and the payment of the amount due shall be made as soon as possible.*

ARTICLE 53

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depots of arms, means of trans-

Receipts.

Requisitions for needs of army.

Authority.

Payment

Seizure of public cash, property, etc.

1899

port, stores and supplies, and, generally, all movable property of the State which may be used for military operations.

Railway plant, land telegraphs, telephones, steamers and other ships, apart from cases governed by maritime law, as well as depots of arms and, generally, all kinds of munitions of war, even though belonging to companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

Telegraphs,
transportation,
etc.

ARTICLE 54¹

The plant of railways coming from neutral States, whether the property of those States, or of companies, or of private persons, shall be sent back to them as soon as possible.

Submarine
cables to
neutral territory.

ARTICLE 55

The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

Administration
of public prop-
erty in occu-
pied territory.

1907

port, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of munitions of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

ARTICLE 54

Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

ARTICLE 55

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

¹Cf. Article 19 of Convention V of 1907, *post*, p. 137.

1899

ARTICLE 56

The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.

1907

ARTICLE 56

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

Municipal, religious, etc., property.

Legal proceedings for seizure, etc.

SECTION IV.—ON THE INTERNMENT OF BELLIGERENTS AND THE CARE OF THE WOUNDED IN NEUTRAL COUNTRIES¹

ARTICLE 57

A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It can keep them in camps, and even confine them in fortresses or locations assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not

Internment of belligerents, and care of wounded in neutral countries.

Confinement of belligerents in neutral territory.

¹In 1907 the provisions on this subject, Articles 57, 58, 59 and 60, were transferred to the Convention (V) respecting the rights and duties of neutral Powers and persons in case of war on land as Articles 11, 12, 14 and 15 thereof (*post*, p. 135). No change was made in their text except the substitution of the word "Power" for the word "State" wherever the latter appears in these articles.

1899

1907

leave the neutral territory without authorization.

ARTICLE 58

Food, clothing,
etc.

Failing a special convention, the neutral State shall supply the interned with the food, clothing, and relief required by humanity.

Reimbursements.

At the conclusion of peace, the expenses caused by the internment shall be made good.

ARTICLE 59

Transit of
wounded or
sick through
neutral territory.

A neutral State may authorize the passage over its territory of wounded or sick belonging to the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

Neutral State
must furnish
guard.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

1899

1907

ARTICLE 60

The Geneva Convention applies
to sick and wounded interned in
neutral territory.

Geneva
Convention
applicable.

 RATIFICATIONS, ADHESIONS AND RESERVATIONS

The 1899 Convention was *ratified* by all the signatory Powers on
the dates indicated:

Austria-Hungary	September 4, 1900
Belgium	September 4, 1900
Bulgaria	September 4, 1900
Denmark	September 4, 1900
France	September 4, 1900
Germany	September 4, 1900
Great Britain	September 4, 1900
Greece	April 4, 1901
Italy	September 4, 1900
Japan	October 6, 1900
Luxemburg	July 12, 1901
Mexico	April 17, 1901
Montenegro	October 16, 1900
Netherlands	September 4, 1900
Norway	July 5, 1907
Persia	September 4, 1900
Portugal	September 4, 1900
Roumania	September 4, 1900
Russia	September 4, 1900
Serbia	May 11, 1901
Siam	September 4, 1900
Spain	September 4, 1900
Sweden	July 5, 1907
Turkey	June 12, 1907
United States	April 9, 1902

Adhesions:

Argentine Republic	June 17, 1907
Bolivia	February 7, 1907
Brazil	February 25, 1907
Chile	June 19, 1907
China	June 12, 1907
Colombia	January 30, 1907
Cuba	April 17, 1907
Dominican Republic	April 13, 1907
Ecuador	July 31, 1907
Guatemala	May 2, 1906
Haiti	May 24, 1907
Honduras	August 21, 1906
Korea	March 17, 1903
Nicaragua	May 17, 1907
Panama	July 20, 1907
Paraguay	April 12, 1907
Peru	November 24, 1903
Salvador	June 20, 1902
Switzerland	June 20, 1907
Uruguay	June 21, 1906
Venezuela	March 1, 1907

Reservations: none.

The 1907 Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Bolivia	November 27, 1909
Brazil	January 5, 1914
Cuba	February 22, 1912
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Great Britain	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910

Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Roumania	March 1, 1912
Russia	November 27, 1909
Salvador	November 27, 1909
Siam	March 12, 1910
Sweden	November 27, 1909
Switzerland	May 12, 1910
United States	November 27, 1909

Adhesions:

Liberia	February 4, 1914
Nicaragua	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Serbia
Ecuador	Turkey
Greece	Uruguay
Italy	Venezuela

Reservations.¹

Austria-Hungary

Under reservation of the declaration made in the plenary session of the Conference of August 17, 1907.²

Extract from the procès-verbal:

The delegation of Austria-Hungary having accepted the new Article 22a,³ on condition that Article 44 of the Convention now in force be maintained as it is, can not consent to the Article 44a, proposed by the Second Commission.⁴

¹All these reservations were made at signature.

²Reservation maintained at ratification.

³The proposed Article 22a became the last paragraph of Article 23.

⁴Statement of Mr. Mérey von Kapos-Mére. *Actes et documents*, vol. i, p. 86.

Germany

Under reservation of Article 44 of the annexed Regulations.¹

Japan

With reservation of Article 44.¹

Montenegro

Under the reservations formulated as to Article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

Extract from the procès-verbal:

The delegation of Montenegro has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in the place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of the new wording of the said Article 44a.²

Russia

Under the reservations formulated as to Article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.¹

Extract from the procès-verbal:

The delegation of Russia has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in the place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of the new wording of the said Article 44a.³

Turkey

Under reservation of Article 3.

¹Reservation maintained at ratification.

²Statement of Mr. Tcharykow. *Actes et documents*, vol. i, p. 86

³Statement of Mr. Martens. *Ibid.*

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**CONVENTION (V) RESPECTING THE RIGHTS AND DUTIES OF
NEUTRAL POWERS AND PERSONS IN CASE OF WAR
ON LAND**

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia ; [etc.] :

With a view to laying down more clearly the rights and duties of neutral Powers in case of war on land and regulating the position of the belligerents who have taken refuge in neutral territory ;

Purpose of
Convention.

Being likewise desirous of defining the meaning of the term "neutral," pending the possibility of settling, in its entirety, the position of neutral individuals in their relations with the belligerents ;

Have resolved to conclude a Convention to this effect, and have, in consequence, appointed the following as their plenipotentiaries :

Plenipotentiaries

[Here follow the names of the plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions :

CHAPTER I.—*The Rights and Duties of Neutral Powers*

Rights and
duties of
neutral Powers.

ARTICLE 1

The territory of neutral Powers is inviolable.

Territory
inviolable.

ARTICLE 2

Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.

Use by
belligerents
forbidden.

ARTICLE 3

Belligerents are likewise forbidden to—

(a) Erect on the territory of a neutral Power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea ;

Establishing
wireless tele-
graph stations
forbidden.

(b) Use any installation of this kind established by them before the

Use of military
installation.

war on the territory of a neutral Power for purely military purposes, and which has not been opened for the service of public messages.

ARTICLE 4

Recruiting, etc.,
forbidden.

Corps of combatants can not be formed nor recruiting agencies opened on the territory of a neutral Power to assist the belligerents.

ARTICLE 5

Prevention
by neutrals.

A neutral Power must not allow any of the acts referred to in Articles 2 to 4 to occur on its territory.

It is not called upon to punish acts in violation of its neutrality unless the said acts have been committed on its own territory.

ARTICLE 6

Crossing
frontier
to enlist.

The responsibility of a neutral Power is not engaged by the fact of persons crossing the frontier separately to offer their services to one of the belligerents.

ARTICLE 7

Shipment
of arms.

A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

ARTICLE 8

Use of tele-
graph, etc.,
apparatus.

A neutral Power is not called upon to forbid or restrict the use on behalf of the belligerents of telegraph or telephone cables or of wireless telegraphy apparatus belonging to it or to companies or private individuals.

ARTICLE 9

Impartial
treatment of
belligerents.

Every measure of restriction or prohibition taken by a neutral Power in regard to the matters referred to in Articles 7 and 8 must be impartially applied by it to both belligerents.

A neutral Power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

ARTICLE 10

The fact of a neutral Power resisting, even by force, attempts to violate its neutrality can not be regarded as a hostile act.

Resisting violations of neutrality.

CHAPTER II.—*Belligerents Interned and Wounded Tended in Neutral Territory*

Belligerents in neutral territory.

ARTICLE 11¹

A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

Detention far from seat of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

Detention camps, etc.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

Parole to officers.

ARTICLE 12¹

In the absence of a special convention to the contrary, the neutral Power shall supply the interned with the food, clothing, and relief required by humanity.

Supplies to the interned.

At the conclusion of peace the expenses caused by the internment shall be made good.

ARTICLE 13

A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

Escaped prisoners of war.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.

ARTICLE 14¹

A neutral Power may authorize the passage over its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel nor war material. In such a case, the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose.

Care of sick and wounded.

¹Articles 11, 12, 14 and 15 are identical in the original French with Articles 57, 58, 59 and 60 (*ante*, p. 127) respectively of the 1899 Convention (II) respecting the laws and customs of war on land, except for the substitution of "Power" for "State."

The sick or wounded brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral Power so as to ensure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE 15¹

Application
of Geneva
Convention.

The Geneva Convention applies to sick and wounded interned in neutral territory.

Neutral persons.

CHAPTER III.—*Neutral Persons*ARTICLE 16²

Definition.

The nationals of a State which is not taking part in the war are considered as neutrals.

ARTICLE 17²

Acts prohibited.

A neutral can not avail himself of his neutrality—

(a) If he commits hostile acts against a belligerent;

(b) If he commits acts in favor of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent State could be for the same act.

ARTICLE 18²

Acts not
prohibited.

The following acts shall not be considered as committed in favor of one belligerent in the sense of Article 17, letter (b) :

(a) Supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;

(b) Services rendered in matters of police or civil administration.

¹Articles 11, 12, 14 and 15 are identical in the original French with Articles 57, 58, 59 and 60 (*ante*, p. 127) respectively of the 1899 Convention (II) respecting the laws and customs of war on land, except for the substitution of "Power" for "State."

²Great Britain made reservation of Articles 16, 17 and 18.

CHAPTER IV.—*Railway Material*Railway
material.ARTICLE 19¹Use by
belligerents c
neutral prope

Railway material coming from the territory of neutral Powers, whether it be the property of the said Powers or of companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin.

A neutral Power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent Power.

Use of
belligerent
property
by neutrals.

Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage.

Compensation

CHAPTER V.—*Final Provisions*

ARTICLE 20

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

Powers bound.

ARTICLE 21

The present Convention shall be ratified as soon as possible.

Ratification.

The ratifications shall be deposited at The Hague.

Deposit at
The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

Certified copie
to Powers.

¹The Argentine Republic made reservation of Article 19.

ARTICLE 22

Adherence of
non-signatory
Powers.
Notification
of intent.

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Communication
to other Powers.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 23

Effect of
ratification.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 24

Denunciation.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

Notifying
Power only
affected.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE 25

Register of
ratifications.

A register kept by the Netherland Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 21, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 22, paragraph 2) or of denunciation (Article 24, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

Signing.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

Deposit
of original.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Bolivia	November 27, 1909
Brazil	January 5, 1914
Cuba	February 22, 1912
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Roumania	March 1, 1912
Russia	November 27, 1909
Salvador	November 27, 1909
Siam	March 12, 1910
Spain	March 18, 1913
Sweden	November 27, 1909
Switzerland	May 12, 1910
United States	November 27, 1909

Adhesions:

China January 15, 1910
Liberia February 4, 1914
Nicaragua December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Serbia
Ecuador	Turkey
Great Britain	Uruguay
Greece	Venezuela
Italy	

*Reservations:*¹

Argentine Republic

The Argentine Republic makes reservation of Article 19.

Great Britain

Under reservation of Articles 16, 17 and 18.

¹These reservations were made at signature.

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**CONVENTION (VI) RELATING TO THE STATUS OF ENEMY MERCHANT
SHIPS AT THE OUTBREAK OF HOSTILITIES**

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

Anxious to ensure the security of international commerce against the surprises of war, and wishing, in accordance with modern practice, to protect as far as possible operations undertaken in good faith and in process of being carried out before the outbreak of hostilities, have resolved to conclude a Convention to this effect, and have appointed the following persons as their plenipotentiaries :

Purpose of
Convention.

[Here follow the names of plenipotentiaries.]

Plenipotentiari

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions :

ARTICLE 1

When a merchant ship belonging to one of the belligerent Powers is at the commencement of hostilities in an enemy port, it is desirable that it should be allowed to depart freely, either immediately, or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated.

Belligerent
merchant ships
in enemy
ports at
commencement
of hostilities
may depart
freely.

The same rule should apply in the case of a ship which has left its last port of departure before the commencement of the war and entered a port belonging to the enemy while still ignorant that hostilities had broken out.

ARTICLE 2

A merchant ship unable, owing to circumstances of *force majeure*, to leave the enemy port within the period contemplated in the above article, or which was not allowed to leave, can not be confiscated.

May not be
confiscated.

The belligerent may only detain it, without payment of compensation, but subject to the obligation of restoring it after the war, or requisition it on payment of compensation.

May be
detained or
requisitioned.

ARTICLE 3¹

Enemy
merchant ships
on high seas.

Liable to
detention,
requisition
or demolition.

Subject to
laws and
customs of
maritime war.

Enemy merchant ships which left their last port of departure before the commencement of the war, and are encountered on the high seas while still ignorant of the outbreak of hostilities can not be confiscated. They are only liable to detention on the understanding that they shall be restored after the war without compensation, or to be requisitioned, or even destroyed, on payment of compensation, but in such cases provision must be made for the safety of the persons on board as well as the security of the ship's papers.

After touching at a port in their own country or at a neutral port, these ships are subject to the laws and customs of maritime war.

ARTICLE 4

Enemy cargo.

Enemy cargo on board the vessels referred to in Articles 1 and 2 is likewise liable to be detained and restored after the termination of the war without payment of compensation, or to be requisitioned on payment of compensation, with or without the ship.

The same rule applies in the case of cargo on board the vessels referred to in Article 3.¹

ARTICLE 5

Merchant ships
intended for
conversion
into war-ships.

The present Convention does not affect merchant ships whose build shows that they are intended for conversion into war-ships.

ARTICLE 6

Powers bound.

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 7

Ratifications.

Deposit at
The Hague.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a

¹For reservations of Germany and Russia, see p. 145.

written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

Certified copies
to Powers.

ARTICLE 8

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

Non-signatory
Powers
may adhere.

Notification to
other Powers.

ARTICLE 9

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Effect of
ratification.

ARTICLE 10

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a certified copy of the notification to all the other Powers, informing them of the date on which it was received.

Denunciation.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE 11

Register of
ratifications.

A register kept by the Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 7, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 8, paragraph 2) or of denunciation (Article 10, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with certified extracts from it.

Signing.

In faith whereof the plenipotentiaries have appended to the present Convention their signatures.

Deposit of
original.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

[Here follow signatures.]

 RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Brazil	January 5, 1914
Cuba	February 22, 1912
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Great Britain	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911

Roumania	March 1, 1912
Russia	November 27, 1909
Salvador	November 27, 1909
Siam	March 12, 1910
Spain	March 18, 1913
Sweden	November 27, 1909
Switzerland	May 12, 1910

Adhesions:

Liberia	February 4, 1914
Nicaragua	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bolivia	Paraguay
Bulgaria	Persia
Chile	Peru
Colombia	Serbia
Dominican Republic	Turkey
Ecuador	Uruguay
Greece	Venezuela
Italy	

*Reservations:*¹

Germany

Under reservation of Article 3 and of Article 4, paragraph 2.²

Russia

Under the reservations made as to Article 3 and Article 4, paragraph 2, of the present Convention, and recorded in the minutes of the seventh plenary session of September 27, 1907.²

¹These reservations were made at signature and maintained at ratification.

²The German and Russian delegations considered that these provisions established an inequality between States in imposing financial burdens on those Powers which, lacking naval stations in different parts of the world, are not in a position to take vessels which they have seized into a port, but find themselves compelled to destroy them. *Actes et documents*, vol. i, p. 236; vol. iii, p. 918.

**CONVENTION (VII) RELATING TO THE CONVERSION OF MERCHANT
SHIPS INTO WAR-SHIPS**

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

**Purpose of
Convention.**

Whereas it is desirable, in view of the incorporation in time of war of merchant ships in the fighting fleet, to define the conditions subject to which this operation may be effected;

Whereas, however, the contracting Powers have been unable to come to an agreement on the question whether the conversion of a merchant ship into a war-ship may take place upon the high seas, it is understood that the question of the place where such conversion is effected remains outside the scope of this agreement and is in no way affected by the following rules;

Plenipotentiaries.

Being desirous of concluding a Convention to this effect, have appointed the following as their plenipotentiaries:

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

**Converted
merchant ships
to be under
State control.**

A merchant ship converted into a war-ship can not have the rights and duties accruing to such vessels unless it is placed under the direct authority, immediate control, and responsibility of the Power whose flag it flies.

ARTICLE 2

**Must bear
distinguishing
marks.**

Merchant ships converted into war-ships must bear the external marks which distinguish the war-ships of their nationality.

ARTICLE 3

**Commander
must be duly
commissioned.**

The commander must be in the service of the State and duly commissioned by the competent authorities. His name must figure on the list of the officers of the fighting fleet.

ARTICLE 4

The crew must be subject to military discipline.

Crew subject to military discipline.

ARTICLE 5

Every merchant ship converted into a war-ship must observe in its operations the laws and customs of war.

Must observe law and customs of war.

ARTICLE 6

A belligerent who converts a merchant ship into a war-ship must, as soon as possible, announce such conversion in the list of war-ships.

Conversion must be announced.

ARTICLE 7

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

Powers bound.

ARTICLE 8

The present Convention shall be ratified as soon as possible.

Ratification.

The ratifications shall be deposited at The Hague.

Deposit at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers who take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

Certified copies to Powers.

ARTICLE 9

Non-signatory Powers may adhere to the present Convention.

Non-signatory Powers may adhere.

The Power which desires to adhere notifies its intention in writing

to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Notification to
other Powers.

That Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE 10

Effect of
Convention.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 11

Denunciation.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE 12

Register of
ratifications.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 8, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 9, paragraph 2) or of denunciation (Article 11, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

Signing.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Deposit of
original.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Brazil	January 5, 1914
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Great Britain	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Roumania	March 1, 1912
Russia	November 27, 1909
Salvador	November 27, 1909
Siam	March 12, 1910
Spain	March 18, 1913
Sweden	November 27, 1909
Switzerland	May 12, 1910

Adhesions:

Liberia	February 4, 1914
Nicaragua	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Italy
Bolivia	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Cuba	Serbia
Ecuador	Turkey
Greece	Venezuela

*Reservation.*¹

Turkey

Under reservation of the declaration made at the eighth plenary session of the Conference of October 9, 1907.

Extract from the procès-verbal:

The Imperial Ottoman Government does not engage to recognize as vessels of war, ships which, being in its waters or on the high seas under a merchant flag, are converted on the opening of hostilities.²

¹This reservation was made at signature

²*Actes et documents*, vol. i, p. 277.

**CONVENTION (VIII) RELATIVE TO THE LAYING OF AUTOMATIC
SUBMARINE CONTACT MINES**

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

Inspired by the principle of the freedom of sea routes, the common highway of all nations;

Purpose of
Convention.

Seeing that, although the existing position of affairs makes it impossible to forbid the employment of automatic submarine contact mines, it is nevertheless desirable to restrict and regulate their employment in order to mitigate the severity of war and to ensure, as far as possible, to peaceful navigation the security to which it is entitled, despite the existence of war;

Until such time as it is found possible to formulate rules on the subject which shall ensure to the interests involved all the guarantees desirable;

Have resolved to conclude a Convention for this purpose, and have appointed the following as their plenipotentiaries:

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

It is forbidden—

Prohibitions.

1. To lay unanchored automatic contact mines, except when they are so constructed as to become harmless one hour at most after the person who laid them ceases to control them;¹

Unanchored
automatic
contact mines.

2. To lay anchored automatic contact mines which do not become harmless as soon as they have broken loose from their moorings;

Anchored
contact mines.

3. To use torpedoes which do not become harmless when they have missed their mark.

Torpedoes.

ARTICLE 2^a

It is forbidden to lay automatic contact mines off the coast and ports of the enemy, with the sole object of intercepting commercial shipping.

Mines to intercept
commercial
shipping.

¹The Dominican Republic and Siam signed under reservation of this paragraph. See also the general reservation of Turkey, *post*, p. 156.

^aFrance and Germany signed under reservation of Article 2.

ARTICLE 3

Protection of
peaceful shipping.

When anchored automatic contact mines are employed, every possible precaution must be taken for the security of peaceful shipping.

Notice of
danger zones.

The belligerents undertake to do their utmost to render these mines harmless within a limited time, and, should they cease to be under surveillance, to notify the danger zones as soon as military exigencies permit, by a notice addressed to ship owners, which must also be communicated to the Governments through the diplomatic channel.

ARTICLE 4

Mines laid by
neutral Powers.

Neutral Powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents.

The neutral Power must inform ship owners, by a notice issued in advance, where automatic contact mines have been laid. This notice must be communicated at once to the Governments through the diplomatic channel.

ARTICLE 5

Removal at
close of war.

At the close of the war, the contracting Powers undertake to do their utmost to remove the mines which they have laid, each Power removing its own mines.

Notification
of position.

As regards anchored automatic contact mines laid by one of the belligerents off the coast of the other, their position must be notified to the other party by the Power which laid them, and each Power must proceed with the least possible delay to remove the mines in its own waters.

ARTICLE 6¹

Adoption of
perfected mines.

The contracting Powers which do not at present own perfected mines of the pattern contemplated in the present Convention, and which, consequently, could not at present carry out the rules laid down in Articles 1 and 3, undertake to convert the *matériel* of their mines as soon as possible, so as to bring it into conformity with the foregoing requirements.

ARTICLE 7

Powers bound.

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

¹See the declaration of Turkey, *post*, p. 156.

ARTICLE 8

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

Ratification.

Deposit at
The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent, by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it has received the notification.

Certified copies
to Powers.

ARTICLE 9

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, transmitting to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

Adherence of
non-signatory
Powers.

Notification
of intent.

Communication
to other Powers.

ARTICLE 10

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Effect of
ratification.

ARTICLE 11

- Duration.** The present Convention shall remain in force for seven years, dating from the sixtieth day after the date of the first deposit of ratifications.
- Denunciation.** Unless denounced, it shall continue in force after the expiration of this period.
- The denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the Powers, informing them of the date on which it was received.
- Notifying Power only affected.** The denunciation shall only have effect in regard to the notifying Power, and six months after the notification has reached the Netherland Government.

ARTICLE 12

- Reopening question.** The contracting Powers undertake to reopen the question of the employment of automatic contact mines six months before the expiration of the period contemplated in the first paragraph of the preceding article, in the event of the question not having been already reopened and settled by the Third Peace Conference.
- New Convention.** If the contracting Powers conclude a fresh Convention relative to the employment of mines, the present Convention shall cease to be applicable from the moment it comes into force.

ARTICLE 13

- Register of ratifications.** A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 8, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 9, paragraph 2) or of denunciation (Article 11, paragraph 3) have been received.
- Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.
- Signing.** In faith whereof the plenipotentiaries have appended their signatures to the present Convention.
- Deposit of original.** Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.
- [Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Brazil	January 5, 1914
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Great Britain	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Roumania	March 1, 1912
Salvador	November 27, 1909
Siam	March 12, 1910
Switzerland	May 12, 1910
United States	November 27, 1909

Adhesions:

Liberia	February 4, 1914
Nicaragua	December 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Italy
Bolivia	Paraguay
Bulgaria	Persia
Chile	Peru
Colombia	Serbia
Cuba	Turkey
Dominican Republic	Uruguay
Ecuador	Venezuela
Greece	

*Reservations:*¹

Dominican Republic

With reservation as to the first paragraph of Article 1.

France

Under reservation of Article 2.²

Germany

Under reservation of Article 2.²

Great Britain

Under reservation of the following declaration:

In affixing their signatures to the above Convention the British plenipotentiaries declare that the mere fact that this Convention does not prohibit a particular act or proceeding must not be held to debar His Britannic Majesty's Government from contesting its legitimacy.²

Siam

Under reservation of Article 1, paragraph 1.²

Turkey

Under reservation of the declarations recorded in the *procès-verbal* of the eighth plenary session of the Conference held on October 9, 1907.

Extract from the procès-verbal:

The Imperial Ottoman delegation can not at the present time undertake any engagement whatever for perfected systems which are not yet universally known. * * * The Imperial Ottoman delegation believes that it should declare that, given the exceptional situation created by treaties in force of the straits of the Dardanelles and the Bosphorus, straits which are an integral part of the territory, the Imperial Government could not in any way subscribe to any undertaking tending to limit the means of defense that it may deem necessary to employ for these straits in case of war or with the aim of causing its neutrality to be respected. * * * The Imperial Ottoman delegation can not at the present time take part in any engagement as regards the conversion mentioned in Article 6.³

¹All these reservations were made at signature.

²Reservation maintained at ratification.

³Statement of Turkhan Pasha. *Actes et documents*, vol. i, p. 280.

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**CONVENTION (IX) CONCERNING BOMBARDMENT BY NAVAL FORCES
IN TIME OF WAR**

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

Animated by the desire to realize the wish expressed by the First Peace Conference respecting the bombardment by naval forces of undefended ports, towns, and villages;

Purpose of
Convention.

Whereas it is expedient that bombardments by naval forces should be subject to rules of general application which would safeguard the rights of the inhabitants and assure the preservation of the more important buildings, by applying as far as possible to this operation of war the principles of the Regulation of 1899 respecting the laws and customs of land war;

Actuated, accordingly, by the desire to serve the interests of humanity and to diminish the severity and disasters of war;

Have resolved to conclude a Convention to this effect, and have, for this purpose, appointed the following as their plenipotentiaries:

[Here follow the names of the plenipotentiaries.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

CHAPTER I.—*The Bombardment of Undefended Ports, Towns, Villages, Dwellings, or Buildings*

ARTICLE 1

The bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden.

Bombardment
of undefended
ports, etc.,
forbidden.

A place cannot be bombarded solely because automatic submarine contact mines are anchored off the harbor.¹

ARTICLE 2

Military works, military or naval establishments, depots of arms or war *matériel*, workshops or plant which could be utilized for the

Military
works, etc.,
excepted.

¹France, Germany, Great Britain and Japan made reservations of this paragraph.

needs of the hostile fleet or army, and the ships of war in the harbor, are not, however, included in this prohibition. The commander of a naval force may destroy them with artillery, after a summons followed by a reasonable time of waiting, if all other means are impossible, and when the local authorities have not themselves destroyed them within the time fixed.

Unavoidable
damage.

He incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances.

Precautionary
measures.

If for military reasons immediate action is necessary, and no delay can be allowed the enemy, it is understood that the prohibition to bombard the undefended town holds good, as in the case given in paragraph 1, and that the commander shall take all due measures in order that the town may suffer as little harm as possible.

ARTICLE 3¹

Bombardment
on declining
to furnish pro-
visions, etc.,
to fleet.

After due notice has been given, the bombardment of undefended ports, towns, villages, dwellings, or buildings may be commenced, if the local authorities, after a formal summons has been made to them, decline to comply with requisitions for provisions or supplies necessary for the immediate use of the naval force before the place in question.

These requisitions shall be in proportion to the resources of the place. They shall only be demanded in the name of the commander of the said naval force, and they shall, as far as possible, be paid for in cash; if not, they shall be evidenced by receipts.

ARTICLE 4

Money
contributions.

Undefended ports, towns, villages, dwellings, or buildings may not be bombarded on account of failure to pay money contributions.

CHAPTER II.—*General Provisions*

ARTICLE 5

Buildings, etc.
to be spared.

In bombardments by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, on the understanding that they are not used at the same time for military purposes.

¹Chile made reservation of Article 3.

It is the duty of the inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large, stiff rectangular panels divided diagonally into two colored triangular portions, the upper portion black, the lower portion white.

Indications
required.

ARTICLE 6

If the military situation permits, the commander of the attacking naval force, before commencing the bombardment, must do his utmost to warn the authorities.

Warning to
authorities.

ARTICLE 7

A town or place, even when taken by storm, may not be pillaged.

Pillage
forbidden.

CHAPTER III.—*Final Provisions*

ARTICLE 8

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

Powers bound.

ARTICLE 9

The present Convention shall be ratified as soon as possible.

Ratification.

The ratifications shall be deposited at The Hague.

Deposit at
The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister of Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

Certified copies
to the Powers.

ARTICLE 10

Adhesion of
non-signatory
Powers.
Notification
of intent.

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere shall notify its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Communication
to other
Powers.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 11

Effect of
ratification.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 12

Denunciation.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

Notifying
Power
only affected.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE 13

Register of
ratifications.

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 9, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 10, paragraph 2) or of denunciation (Article 12, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

Signing.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Deposit
of original.

Done at The Hague, the 18th October, 1907, in a single copy, which

shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Bolivia	November 27, 1909
Brazil	January 5, 1914
Cuba	February 22, 1912
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Great Britain	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Roumania	March 1, 1912
Russia	November 27, 1909
Salvador	November 27, 1909
Siam	March 12, 1910
Sweden	November 27, 1909
Switzerland	May 12, 1910
United States	November 27, 1909

Adhesions:

China	January 15, 1910
Liberia	February 4, 1914
Nicaragua	December 16, 1909
Spain	February 24, 1913

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Serbia
Ecuador	Turkey
Greece	Uruguay
Italy	Venezuela

*Reservations:*¹

Chile

Under the reservation of Article 3 made at the fourth plenary session of August 17.

Extract from the procès-verbal:

The delegation of Chile makes reservation as to Article 3.²

France

Under reservation of the second paragraph of Article 1.³

Germany

Under reservation of Article 1, paragraph 2.³

Great Britain

Under reservation of the second paragraph of Article 1.³

Japan

With reservation of paragraph 2 of Article 1.³

¹All these reservations were made at signature.

²Statement of Mr. Domingo Gana. *Actes et documents*, vol. i, p. 90.

³Reservation maintained at ratification.

THE HAGUE CONVENTIONS OF 1899 (III) AND 1907 (X) FOR
THE ADAPTATION TO MARITIME WARFARE OF THE
PRINCIPLES OF THE GENEVA CONVENTION

1899

1907

CONVENTION (III) for the adaptation to maritime warfare of the principles of the Geneva Convention of August 22, 1864.—Signed at The Hague, July 29, 1899.

CONVENTION (X) for the adaptation to maritime warfare of the principles of the Geneva Convention.—Signed at The Hague, October 18, 1907.¹

His Majesty the German Emperor, King of Prussia; [etc.] :

His Majesty the German Emperor, King of Prussia; [etc.] :

Alike animated by the desire to diminish, as far as depends on them the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22d August, 1864, have decided to conclude a convention to this effect:

Animated alike by the desire to diminish, as far as depends on them, the inevitable evils of war;

Purpose of
Convention.

And wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 6th July, 1906;

They have, in consequence, appointed as their plenipotentiaries, to wit:

Have resolved to conclude a Convention *for the purpose of revising the Convention of the 29th July, 1899, relative to this question*, and have appointed the following as their plenipotentiaries:

Plenipotentiaries.

[Here follow the names of plenipotentiaries.]

[Here follow the names of plenipotentiaries.]

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

Who, after *having deposited* their full powers, found in good and due form, have agreed upon the following provisions:

¹Italics indicate differences between the Conventions of 1899 and 1907.

1899

ARTICLE 1

Immunity to
military hos-
pital ships.

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assisting the wounded, sick or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the beginning or during the course of hostilities, and in any case before they are employed, shall be respected and can not be captured while hostilities last.

Status in
neutral ports.

These ships, moreover, are not on the same footing as men-of-war as regards their stay in a neutral port.

ARTICLE 2

Exemption to
private hos-
pital ships.

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized relief societies, shall likewise be respected and exempt from capture, provided the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

Certificate
required.

These ships should be furnished with a certificate from the competent authorities, declaring that they have been under their control

1907

ARTICLE 1

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely with a view to assisting the wounded, sick, and shipwrecked, the names of which have been communicated to the belligerent Powers at the commencement or during the course of hostilities, and in any case before they are employed, shall be respected, and can not be captured while hostilities last.

These ships, moreover, are not on the same footing as war-ships as regards their stay in a neutral port.

ARTICLE 2

Hospital ships, equipped wholly or in part at the expense of private individuals or officially recognized relief societies, shall be likewise respected and exempt from capture, if the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships must be provided with a certificate from the competent authorities declaring that the vessels have been under their

1899

while fitting out and on final departure.

ARTICLE 3

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent Powers at the commencement of or during hostilities, and in any case before they are employed.

ARTICLE 4

The ships mentioned in Articles 1, 2 and 3 shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose.

These ships must not in any way hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

1907

control while fitting out and on final departure.

ARTICLE 3

Hospital ships, equipped wholly or in part at the expense of private individuals or officially recognized societies of neutral countries shall be respected and exempt from capture, on condition *that they are placed under the control of one of the belligerents, with the previous consent of their own Government and with the authorisation of the belligerent himself, and that the latter has notified their names to his adversary* at the commencement of or during hostilities, and in any case, before they are employed.

ARTICLE 4

The ships mentioned in Articles 1, 2, and 3 shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents without distinction of nationality.

The Governments undertake not to use these ships for any military purpose.

These vessels must in no wise hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

Hospital ships of neutral countries

Relief to all belligerents.

Use confined.

Restrictions.

Risks assumed.

Rights of
belligerents.

1899

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course, and put a commissioner on board; they can even detain them, if important circumstances require it.

Log entries

As far as possible the belligerents shall inscribe in the sailing papers of the hospital ships the orders they give them.

1907

The belligerents shall have the right to control and search them; they can refuse to help them, order them off, make them take a certain course, and put a commissioner on board; they can even detain them, if important circumstances require it.

As far as possible, the belligerents shall enter in the log of the hospital ships the orders which they give them.

ARTICLE 5

ARTICLE 5

Distinguishing
colors to be used.

The military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a meter and a half in breadth.

The ships mentioned in Articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a meter and a half in breadth.

Boats, etc.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

Flags.

All hospital ships shall make themselves known by hoisting, together with their national flag, the white flag with a red cross provided by the Geneva Convention.

Military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a meter and a half in breadth.

The ships mentioned in Articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a meter and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, with their national flag, the white flag with a red cross provided by the Geneva Convention,¹ and further, if they belong to a neutral State, by flying at the mainmast the national flag of the belligerent

¹See the reservations of Persia and Turkey, *post*, p. 181.

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under whose control they are placed.

Hospital ships which, in the terms of Article 4, are detained by the enemy must haul down the national flag of the belligerent to whom they belong. Ships detained.

The ships and boats above mentioned which wish to ensure by night the freedom from interference to which they are entitled, must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their special painting sufficiently plain. Protection at night.

ARTICLE 6¹

The distinguishing signs referred to in Article 5 can only be used, whether in time of peace or war, for protecting or indicating the ships therein mentioned. Use of distinguishing signs restricted.

ARTICLE 7

In the case of a fight on board a war-ship, the sick wards shall be respected and spared as far as possible. Sick wards on war-ships.

The said sick wards and the matériel belonging to them remain subject to the laws of war; they can not, however, be used for any purpose other than that for which they were originally intended, so long as they are required for the sick and wounded. Use of matériel, etc.

¹Great Britain made reservation of this article.

1899

1907

Military
necessities.

The commander, however, into whose power they have fallen may apply them to other purposes, if the military situation requires it, after seeing that the sick and wounded on board are properly provided for.

ARTICLE 8

Withdrawal
of protection.

Hospital ships and sick wards of vessels are no longer entitled to protection if they are employed for the purpose of injuring the enemy.

Permissive
use of arms, etc.

The fact of the staff of the said ships and sick wards being armed for maintaining order and for defending the sick and wounded, and the presence of wireless telegraphy apparatus on board, is not a sufficient reason for withdrawing protection.

ARTICLE 6

ARTICLE 9

Care on
neutral ships.

Neutral merchantmen, yachts, or vessels, having, or taking on board, sick, wounded, or shipwrecked of the belligerents, can not be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

Protection
accorded.

Belligerents may appeal to the charity of the commanders of neutral merchant ships, yachts, or boats to take on board and tend the sick and wounded.

Vessels responding to this appeal, and also vessels which have of their own accord rescued sick, wounded, or shipwrecked men, shall enjoy special protection and certain immunities. In no case can they be captured for having such persons on board, but, apart

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ARTICLE 7

The religious, medical, or hospital staff of any captured ship is inviolable, and its members can not be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the commander-in-chief considers it possible.

The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

ARTICLE 8

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they belong, shall be protected and looked after by the captors.

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ARTICLE 10

from special undertakings that have been made to them, they remain liable to capture for any violations of neutrality they may have committed.

The religious, medical, and hospital staff of any captured ship is inviolable, and its members can not be made prisoners of war. On leaving the ship they take away with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave, when the commander-in-chief considers it possible.

The belligerents must guarantee to the said staff, when it has fallen into their hands, *the same allowances and pay which are given to the staff of corresponding rank in their own navy.*

Immunity
of medical,
etc., staff.

Performance
of duties.

Pay and
allowances.

ARTICLE 11

Sailors and soldiers on board, when sick or wounded, *as well as other persons officially attached to fleets or armies*, whatever their nationality, shall be *respected* and tended by the captors.

Care of dis-
abled prisoners.

1899

Transfer of
sick, etc.,
to war-ships.

Care of sick,
etc., on neutral
war-ships.

Disposition of
captured sick,
etc., belligerents.

The shipwrecked, wounded, or sick of one of the belligerents who fall into the hands of the other, are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated can not serve as long as the war lasts.

ARTICLE 9

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ARTICLE 12¹

Any war-ship belonging to a belligerent may demand that sick, wounded, or shipwrecked men on board military hospital ships, hospital ships belonging to relief societies or to private individuals, merchant ships, yachts, or boats, whatever the nationality of these vessels, should be handed over.

ARTICLE 13

If sick, wounded, or shipwrecked persons are taken on board a neutral war-ship, every possible precaution must be taken that they do not again take part in the operations of the war.

ARTICLE 14

The shipwrecked, wounded, or sick of one of the belligerents who fall into the power of the other belligerent are prisoners of war. The captor must decide, according to circumstances, whether to keep them, send them to a port of his own country, to a neutral port, or even to an enemy port. In this last case, prisoners thus repatriated can not serve again while the war lasts.

¹See the declaration of Great Britain respecting this article, *post*, p. 181.

1899

ARTICLE 10¹

[The shipwrecked, wounded, or sick, who are landed at a neutral port with the consent of the local authorities, must, failing a contrary arrangement between the neutral State and the belligerents, be guarded by the neutral State, so that they can not again take part in the military operations.]

The expenses of tending them in hospital and internment shall be borne by the State to which the shipwrecked, wounded, or sick belong.]

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ARTICLE 15²

The shipwrecked, sick, or wounded, who are landed at a neutral port with the consent of the local authorities, must, unless an arrangement is made to the contrary between the neutral State and the belligerent States, be guarded by the neutral State so as to prevent them again taking part in the operations of the war.

Care in
neutral ports.

The expenses of tending them in hospital and internment shall be borne by the State to which the shipwrecked, sick, or wounded persons belong.

Expenses

ARTICLE 16

After every engagement, the two belligerents, so far as military interests permit, shall take steps to look for the shipwrecked, sick, and wounded, and to protect them, as well as the dead, against pillage and ill-treatment.

Protection
against
pillage, etc.

They shall see that the burial, whether by land or sea, or cremation of the dead shall be preceded by a careful examination of the corpse.

Burials.

ARTICLE 17

Each belligerent shall send, as early as possible, to the authorities

Identification
of dead, etc.

¹This article was excluded. See *post*, p. 179, under Reservations.

²In the original French this article is identical with the excluded Article 10 of the 1899 Convention.

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Record of
captures, etc.

Objects of
personal use, etc.

of their country, navy, or army the military marks or documents of identity found on the dead and the description of the sick and wounded picked up by him.

The belligerents shall keep each other informed as to internments and transfers as well as to the admissions into hospital and deaths which have occurred among the sick and wounded in their hands. They shall collect all the objects of personal use, valuables, letters, etc., which are found in the captured ships, or which have been left by the sick or wounded who died in hospital, in order to have them forwarded to the persons concerned by the authorities of their own country.

ARTICLE 11

ARTICLE 18

Powers bound.

The rules contained in the above articles are binding only on the contracting Powers, in case of war between two or more of them.

The said rules shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power.

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 19

Duties of fleet
commanders.

The commanders-in-chief of the belligerent fleets must see that the above articles are properly carried

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out; they will have also to see to cases not covered thereby, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.

ARTICLE 20

The signatory Powers shall take the necessary measures for bringing the provisions of the present Convention to the knowledge of their naval forces, and especially of the members entitled thereunder to immunity, and for making them known to the public.

Promulgation
of provisions.

ARTICLE 21¹

The signatory Powers likewise undertake to enact or to propose to their legislatures, if their criminal laws are inadequate, the measures necessary for checking in time of war individual acts of pillage and ill-treatment in respect to the sick and wounded in the fleet, as well as for punishing, as an unjustifiable adoption of naval or military marks, the unauthorized use of the distinctive marks mentioned in Article 5 by vessels not protected by the present Convention.

Legislation to
be recommended

They will communicate to each other, through the Netherland Government, the enactments for

Communication
of laws enacted.

¹China and Great Britain made reservation of this article.

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preventing such acts at the latest within five years of the ratification of the present Convention.

ARTICLE 22

In the case of operations of war between the land and sea forces of belligerents, the provisions of the present Convention do not apply except between the forces actually on board ship.

ARTICLE 12

ARTICLE 23

Application only
to forces
on board ship.

Ratification.

The present Convention shall be ratified as soon as possible.

The present Convention shall be ratified as soon as possible.

Deposit at
The Hague.

The ratifications shall be deposited at The Hague.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a procès-verbal signed by the representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

Communication
to other Powers.

On the receipt of each ratification a procès-verbal shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

A certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplo-

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ARTICLE 13

The non-signatory Powers who accepted the Geneva Convention of the 22d August, 1864, are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other contracting Powers.

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matic channel to the Powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 24

Non-signatory Powers which have accepted the Geneva Convention of the 6th July, 1906, may adhere to the present Convention.

Adhesion of non-signatory Powers.

The Power which desires to adhere notifies its intention to the Netherland Government in writing, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Notification of intention.

The said Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Communication to other Power

ARTICLE 25

The present Convention, duly ratified, shall replace as between contracting Powers, the Convention of the 29th July, 1899, for

Former Convention replaced

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Continuance
of former
Convention.

the adaptation to maritime warfare of the principles of the Geneva Convention.

The Convention of 1899 remains in force as between the Powers which signed it but which do not also ratify the present Convention.

Effect of
ratification.

ARTICLE 26

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 14

Denunciation.

In the event of one of the high contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other contracting Powers.

Notifying Power
only affected.

This denunciation shall only affect the notifying Power.

ARTICLE 27

In the event of one of the contracting Powers *wishing to* denounce the present Convention, *the* denunciation shall be notified in writing to the Netherland Government, *which shall* at once communicate a *duly certified copy* of the notification to all the other Powers, *informing them at the same time of the date on which it was received.*

The denunciation shall only have effect in regard to the noti-

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fying Power, and one year after the notification has *reached* the Netherland Government.

ARTICLE 28

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 23, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 24, paragraph 2) or of denunciation (Article 27, paragraph 1) have been received.

Register of
ratifications.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In testimony whereof the respective plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in single copy, which shall be kept in the archives of the Government of the Netherlands, and copies of which duly certified, shall be sent through the diplomatic channel to the contracting Powers.

In faith whereof the plenipotentiaries have *appended their signatures* to the present Convention.

Signing.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the *Powers which have been invited to the Second Peace Conference.*

Deposit
of original.

[Here follow signatures.]

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The 1899 Convention was *ratified* by all the signatory Powers on the dates indicated:

Austria-Hungary	September 4, 1900
Belgium	September 4, 1900
Bulgaria	September 4, 1900
China	November 21, 1904
Denmark	September 4, 1900
France	September 4, 1900
Germany	September 4, 1900
Great Britain	September 4, 1900
Greece	April 4, 1901
Italy	September 4, 1900
Japan	October 6, 1900
Luxemburg	July 12, 1901
Mexico	April 17, 1901
Montenegro	October 16, 1900
Netherlands	September 4, 1900
Norway	(See Sweden and Norway.)
Persia	September 4, 1900
Portugal	September 4, 1900
Roumania	September 4, 1900
Russia	September 4, 1900
Serbia	May 11, 1901
Siam	September 4, 1900
Spain	September 4, 1900
Sweden and Norway	September 4, 1900
Switzerland	December 29, 1900
Turkey	June 12, 1907
United States	September 4, 1900

Adhesions:

Argentine Republic	June 17, 1907
Bolivia	February 7, 1907
Brazil	February 25, 1907
Chile	June 19, 1907
Colombia	January 30, 1907

Cuba	June 29, 1907
Dominican Republic	June 29, 1907
Ecuador	August 5, 1907
Guatemala	April 6, 1903
Haiti	June 29, 1907
Honduras	August 21, 1906
Korea	February 7, 1903
Nicaragua	May 17, 1907
Panama	July 22, 1907
Paraguay	June 29, 1907
Peru	November 24, 1903
Salvador	June 20, 1902
Uruguay	June 21, 1906
Venezuela	March 1, 1907

Reservations:

Germany, Great Britain, Turkey and United States signed with reservation of Article 10. It was subsequently agreed, on an understanding reached by the Government of the Netherlands with the signatory Powers, to exclude Article 10 from all ratifications of the Convention.¹

The 1907 Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Bolivia	November 27, 1909
Brazil	January 5, 1914
China	November 27, 1909
Cuba	February 22, 1912
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Guatemala	March 15, 1911

¹U. S. Statutes at Large, vol. 32, p. 1837.

Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Roumania	March 1, 1912
Russia	November 27, 1909
Salvador	November 27, 1909
Siam	March 12, 1910
Spain	March 18, 1913
Sweden	July 13, 1911
Switzerland	May 12, 1910
United States	November 27, 1909

Adhesion:

Nicaragua	December 16, 1909
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The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Serbia
Ecuador	Turkey
Great Britain	Uruguay
Greece	Venezuela
Italy	

Reservations.¹

China

Under reservation of Article 21.²

¹All these reservations were made at signature.

²Reservation maintained at ratification.

Great Britain

Under reservation of Articles 6 and 21 and of the following declaration :

In affixing their signatures to the above Convention, the British plenipotentiaries declare that His Majesty's Government understand Article 12 to apply only to the case of combatants rescued during or after a naval engagement in which they have taken part.

Persia

Under reservation of the right, admitted by the Conference, to use the Lion and Red Sun instead of and in the place of the Red Cross.

Turkey

Under reservation of the right admitted by the Peace Conference to use the Red Crescent.

**CONVENTION (XI) RELATIVE TO CERTAIN RESTRICTIONS WITH
REGARD TO THE EXERCISE OF THE RIGHT OF CAPTURE
IN NAVAL WAR**

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

Purpose of
Convention.

Recognizing the necessity of more effectively ensuring than hitherto the equitable application of law to the international relations of maritime Powers in time of war;

Considering that, for this purpose, it is expedient, in giving up or, if necessary, in harmonizing for the common interest certain conflicting practices of long standing, to commence codifying in regulations of general application the guarantees due to peaceful commerce and legitimate business, as well as the conduct of hostilities by sea; that it is expedient to lay down in written mutual engagements the principles which have hitherto remained in the uncertain domain of controversy or have been left to the discretion of Governments;

That, from henceforth, a certain number of rules may be made, without affecting the common law now in force with regard to the matters which that law has left unsettled;

Plenipotentiaries.

Have appointed the following as their plenipotentiaries:

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

Postal
correspondence.

CHAPTER I.—*Postal Correspondence*

ARTICLE 1

Inviolable on
high seas.

The postal correspondence of neutrals or belligerents, whatever its official or private character may be, found on the high seas on board a neutral or enemy ship, is inviolable. If the ship is detained, the correspondence is forwarded by the captor with the least possible delay.

Forwarding from
captured ships.

The provisions of the preceding paragraph do not apply, in case of violation of blockade, to correspondence destined for or proceeding from a blockaded port. Blockaded port

ARTICLE 2

The inviolability of postal correspondence does not exempt a neutral mail ship from the laws and customs of maritime war as to neutral merchant ships in general. The ship, however, may not be searched except when absolutely necessary, and then only with as much consideration and expedition as possible. Neutral mail ships.

CHAPTER II.—*The Exemption from Capture of Certain Vessels* Vessels exempt from capture.

ARTICLE 3

Vessels used exclusively for fishing along the coast or small boats employed in local trade are exempt from capture, as well as their appliances, rigging, tackle, and cargo. Fishing vessels and boats in local trade.

They cease to be exempt as soon as they take any part whatever in hostilities.

The contracting Powers agree not to take advantage of the harmless character of the said vessels in order to use them for military purposes while preserving their peaceful appearance. Military use forbidden.

ARTICLE 4

Vessels charged with religious, scientific, or philanthropic missions are likewise exempt from capture. Religious, scientific, etc., vessels.

CHAPTER III.—*Regulations Regarding the Crews of Enemy Merchant Ships Captured by a Belligerent* Captured merchant ships

ARTICLE 5

When an enemy merchant ship is captured by a belligerent, such of its crew as are nationals of a neutral State are not made prisoners of war. Disposition of crew and officers, if neutral.

The same rule applies in the case of the captain and officers likewise nationals of a neutral State, if they promise formally in writing not to serve on an enemy ship while the war lasts.

ARTICLE 6

Conditional
release of
officers and
crews, if enemies.

The captain, officers, and members of the crew, when nationals of the enemy State, are not made prisoners of war, on condition that they make a formal promise in writing, not to undertake, while hostilities last, any service connected with the operations of the war.

ARTICLE 7

Notification
by captors.

The names of the persons retaining their liberty under the conditions laid down in Article 5, paragraph 2, and in Article 6, are notified by the belligerent captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

ARTICLE 8

Ships not
included.

The provisions of the three preceding articles do not apply to ships taking part in the hostilities.

CHAPTER IV.—*Final Provisions*

ARTICLE 9

Powers bound.

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 10

Ratification.

The present Convention shall be ratified as soon as possible.

Deposit at
The Hague.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

Certified copies
to contracting
Powers.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the

Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 11

Non-signatory Powers may adhere to the present Convention.

Adherence of
non-signator
Powers.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Notification
of intent.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Communicat
to other Pow

ARTICLE 12

The present Convention shall come into force in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification has been received by the Netherland Government.

Effect of
ratification.

ARTICLE 13

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

Denunciatio

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

Notifying Po
only affecte

ARTICLE 14

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 10, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 11, paragraph 2) or of denunciation (Article 13, paragraph 1) have been received.

Register of
ratifications.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

Signing.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Deposit
of original.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers invited to the Second Peace Conference.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Brazil	January 5, 1914
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Great Britain	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Roumania	March 1, 1912
Salvador	November 27, 1909
Siam	March 12, 1910
Spain	March 18, 1913
Sweden	November 27, 1909
Switzerland	May 12, 1910
United States	November 27, 1909

Adhesions:

LiberiaFebruary 4, 1914
NicaraguaDecember 16, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Italy
Bolivia	Paraguay
Bulgaria	Persia
Chile	Peru
Colombia	Serbia
Cuba	Turkey
Dominican Republic	Uruguay
Ecuador	Venezuela
Greece	

Reservations: none.

CONVENTION (XII) RELATIVE TO THE CREATION OF AN INTERNATIONAL PRIZE COURT

Signed at The Hague, October 18, 1907

His Majesty, the German Emperor, King of Prussia; [etc.] :

Purpose of
Convention.

Animated by the desire to settle in an equitable manner the differences which sometimes arise in the course of a naval war in connection with the decisions of national prize courts;

Considering that, if these courts are to continue to exercise their functions in the manner determined by national legislation, it is desirable that in certain cases an appeal should be provided under conditions conciliating, as far as possible, the public and private interests involved in matters of prize;

Whereas, moreover, the institution of an International Court, whose jurisdiction and procedure would be carefully defined, has seemed to be the best method of attaining this object;

Convinced, finally, that in this manner the hardships consequent on naval war would be mitigated; that, in particular, good relations will be more easily maintained between belligerents and neutrals and peace better assured;

Plenipotentiaries.

Desirous of concluding a Convention to this effect, have appointed the following as their plenipotentiaries:

[Here follow the names of plenipotentiaries.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

General
provisions.

PART I.—GENERAL PROVISIONS

ARTICLE 1

Determination
of validity
of capture.

The validity of the capture of a merchant ship or its cargo is decided before a prize court in accordance with the present Convention when neutral or enemy property is involved.

ARTICLE 2

Jurisdiction in matters of prize is exercised in the first instance by the prize courts of the belligerent captor. Jurisdiction in first instance.

The judgments of these courts are pronounced in public or are officially notified to parties concerned who are neutrals or enemies.

ARTICLE 3

The judgments of national prize courts may be brought before the International Prize Court— When judgments of national courts may be brought before International Court.

1. When the judgment of the national prize courts affects the property of a neutral Power or individual;

2. When the judgment affects enemy property and relates to—

(a) Cargo on board a neutral ship;

(b) An enemy ship captured in the territorial waters of a neutral Power, when that Power has not made the capture the subject of a diplomatic claim;

(c) A claim based upon the allegation that the seizure has been effected in violation, either of the provisions of a Convention in force between the belligerent Powers, or of an enactment issued by the belligerent captor.

The appeal against the judgment of the national court can be based on the ground that the judgment was wrong either in fact or in law. BASIS of appeal.

ARTICLE 4

An appeal may be brought—

1. By a neutral Power, if the judgment of the national tribunals injuriously affects its property or the property of its nationals (Article 3, No. 1), or if the capture of an enemy vessel is alleged to have taken place in the territorial waters of that Power (Article 3, No. 2b). When appeal may be brought:

1. By a neutral Power.

2. By a neutral individual, if the judgment of the national court injuriously affects his property (Article 3, No. 1), subject, however, to the reservation that the Power to which he belongs may forbid him to bring the case before the Court, or may itself undertake the proceedings in his place; 2. By a neutral individual.

3. By an individual subject or citizen of an enemy Power, if the judgment of the national court injuriously affects his property in the cases referred to in Article 3, No. 2, except that mentioned in paragraph b. 3. By citizen of enemy Power.

ARTICLE 5

Successors
in interest.

An appeal may also be brought on the same conditions as in the preceding article, by persons belonging either to neutral States or to the enemy, deriving their rights from and entitled to represent an individual qualified to appeal, and who have taken part in the proceedings before the national court. Persons so entitled may appeal separately to the extent of their interest.

The same rule applies in the case of persons belonging either to neutral States or to the enemy who derive their rights from and are entitled to represent a neutral Power whose property was the subject of the decision.

ARTICLE 6

Limitation
upon jurisdic-
tion of na-
tional courts.

When, in accordance with the above Article 3, the International Court has jurisdiction, the national courts can not deal with a case in more than two instances. The municipal law of the belligerent captor shall decide whether the case may be brought before the International Court after judgment has been given in first instance or only after an appeal.

Failure of
national courts
to give final
judgment.

If the national courts fail to give final judgment within two years from the date of capture, the case may be carried direct to the International Court.

ARTICLE 7

Law applicable.
Treaties.

If a question of law to be decided is covered by a treaty in force between the belligerent captor and a Power which is itself or whose subject or citizen is a party to the proceedings, the Court is governed by the provisions of the said treaty.

Rules of
international
law.

In the absence of such provisions, the Court shall apply the rules of international law. If no generally recognized rule exists, the Court shall give judgment in accordance with the general principles of justice and equity.

Principles
of justice
and equity.

The above provisions apply equally to questions relating to the order and mode of proof.

Enactments
of belligerent
captor.

If, in accordance with Article 3, No. 2c, the ground of appeal is the violation of an enactment issued by the belligerent captor, the Court will enforce the enactment.

The Court may disregard failure to comply with the procedure laid down in the enactments of the belligerent captor, when it is of opinion

that the consequences of complying therewith are unjust and inequitable.

ARTICLE 8¹

If the Court pronounces the capture of the vessel or cargo to be valid, they shall be disposed of in accordance with the laws of the belligerent captor.

Disposition of vessel and cargo when capture is valid;

If it pronounces the capture to be null, the Court shall order restitution of the vessel or cargo, and shall fix, if there is occasion, the amount of the damages. If the vessel or cargo have been sold or destroyed, the Court shall determine the compensation to be given to the owner on this account.

when capture is null.

If the national court pronounced the capture to be null, the Court can only be asked to decide as to the damages.

ARTICLE 9

The contracting Powers undertake to submit in good faith to the decisions of the International Prize Court and to carry them out with the least possible delay.

Powers to submit to decisions.

PART II.—CONSTITUTION OF THE INTERNATIONAL PRIZE COURT

Constitution of Court.

ARTICLE 10

The International Prize Court is composed of judges and deputy judges, who will be appointed by the contracting Powers, and must all be jurists of known proficiency in questions of international maritime law, and of the highest moral reputation.

Personnel and qualifications of members of Court.

The appointment of these judges and deputy judges shall be made within six months after the ratification of the present Convention.

ARTICLE 11

The judges and deputy judges are appointed for a period of six years, reckoned from the date on which the notification of their appointment is received by the Administrative Council established by the Convention for the pacific settlement of international disputes of the 29th July, 1899. Their appointments can be renewed.

Term of service of judges.

¹See Article 2 of the Additional Protocol, *post*, p. 206.

Vacancies.

Should one of the judges or deputy judges die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case, the appointment is made for a fresh period of six years.

ARTICLE 12**Rank
of judges.**

The judges of the International Prize Court are all equal in rank and have precedence according to the date on which the notification of their appointment was received (Article 11, paragraph 1), and if they sit by rota (Article 15, paragraph 2), according to the date on which they entered upon their duties. When the date is the same the senior in age takes precedence.

The deputy judges when acting are assimilated to the judges. They rank, however, after them.

ARTICLE 13**Privileges
and immunities.**

The judges enjoy diplomatic privileges and immunities in the performance of their duties and when outside their own country.

Oath.

Before taking their seat, the judges must swear, or make a solemn promise before the Administrative Council, to discharge their duties impartially and conscientiously.

ARTICLE 14**Number
of judges.**

The Court is composed of fifteen judges; nine judges constitute a quorum.

A judge who is absent or prevented from sitting is replaced by the deputy judge.

ARTICLE 15¹**Judges who
are always
summoned
to sit.**

The judges appointed by the following contracting Powers: Germany, the United States of America, Austria-Hungary, France, Great Britain, Italy, Japan, and Russia, are always summoned to sit.

**Judges who
sit by rota.**

The judges and deputy judges appointed by the other contracting Powers sit by rota as shown in the table annexed² to the present Convention; their duties may be performed successively by the same person. The same judge may be appointed by several of the said Powers.

¹Reservation of this article was made by Chile, Cuba, Ecuador, Guatemala, Haiti, Persia, Salvador, Siam, Turkey and Uruguay.

²Post, p. 203.

ARTICLE 16

If a belligerent Power has, according to the rota, no judge sitting in the Court, it may ask that the judge appointed by it should take part in the settlement of all cases arising from the war. Lots shall then be drawn as to which of the judges entitled to sit according to the rota shall withdraw. This arrangement does not affect the judge appointed by the other belligerent.

Selection of judge by belligerent Power.

ARTICLE 17

No judge can sit who has been a party, in any way whatever, to the sentence pronounced by the national courts, or has taken part in the case as counsel or advocate for one of the parties.

Disqualification of a judge.

No judge or deputy judge can, during his tenure of office, appear as agent or advocate before the International Prize Court nor act for one of the parties in any capacity whatever.

ARTICLE 18

The belligerent captor is entitled to appoint a naval officer of high rank to sit as assessor, but with no voice in the decision. A neutral Power, which is a party to the proceedings or whose subject or citizen is a party, has the same right of appointment; if as the result of this last provision more than one Power is concerned, they must agree among themselves, if necessary by lot, on the officer to be appointed.

Belligerent captor or interested neutral may appoint assessor.

ARTICLE 19

The Court elects its president and vice-president by an absolute majority of the votes cast. After two ballots, the election is made by a bare majority, and, in case the votes are equal, by lot.

Election of officers.

ARTICLE 20

The judges on the International Prize Court are entitled to traveling allowances in accordance with the regulations in force in their own country, and in addition receive, while the Court is sitting or while they are carrying out duties conferred upon them by the Court, a sum of 100 Netherland florins *per diem*.

Compensation of judges.

These payments are included in the general expenses of the Court dealt with in Article 47, and are paid through the International Bureau established by the Convention of the 29th July, 1899.

The judges may not receive from their own Government or from that of any other Power any remuneration in their capacity of members of the Court.

ARTICLE 21

Seat of
the Court.

The seat of the International Prize Court is at The Hague and it can not, except in the cases of *force majeure*, be transferred elsewhere without the consent of the belligerents.

ARTICLE 22

Functions of
Administrative
Council.

The Administrative Council fulfils, with regard to the International Prize Court, the same functions as to the Permanent Court of Arbitration, but only representatives of contracting Powers will be members of it.

ARTICLE 23

International
Bureau acts
as registry.

The International Bureau acts as registry to the International Prize Court and must place its offices and staff at the disposal of the Court. It has charge of the archives and carries out the administrative work.

The secretary general of the International Bureau acts as registrar.

The necessary secretaries to assist the registrar, translators and shorthand writers are appointed and sworn in by the Court.

ARTICLE 24

Language
used in
proceedings.

The Court determines which language it will itself use and what languages may be used before it.

In every case the official language of the national courts which have had cognizance of the case may be used before the Court.

ARTICLE 25

Powers may
appoint agents
and counsel.

Powers which are concerned in a case may appoint special agents to act as intermediaries between themselves and the Court. They may also engage counsel or advocates to defend their rights and interests.

ARTICLE 26

A private person concerned in a case will be represented before the Court by an attorney, who must be either an advocate qualified to plead before a court of appeal or a high court of one of the contracting States, or a lawyer practising before a similar court, or lastly, a professor of law at one of the higher teaching centers of those countries.

Attorneys for private individuals.

ARTICLE 27

For all notices to be served, in particular on the parties, witnesses, or experts, the Court may apply direct to the Government of the State on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence.

How notices are to be served.

The requests for this purpose are to be executed so far as the means at the disposal of the Power applied to under its municipal law allow. They can not be rejected unless the Power in question considers them calculated to impair its sovereign rights or its safety. If the request is complied with, the fees charged must only comprise the expenses actually incurred.

The Court is equally entitled to act through the Power on whose territory it sits.

Notices to be given to parties in the place where the Court sits may be served through the International Bureau.

PART III.—PROCEDURE IN THE INTERNATIONAL PRIZE COURT

Procedure in the court.

ARTICLE 28¹

An appeal to the International Prize Court is entered by means of a written declaration made in the national court which has already dealt with the case or addressed to the International Bureau; in the latter case the appeal can be entered by telegram.

Method and time of entering appeal.

The period within which the appeal must be entered is fixed at 120 days, counting from the day the decision is delivered or notified (Article 2, paragraph 2).

ARTICLE 29²

If the notice of appeal is entered in the national court, this Court, without considering the question whether the appeal was entered in

Transmission of record to International Bureau.

¹See Article 5 of the Additional Protocol, *post*, p. 206.

²See Article 6 of the Additional Protocol, *post*, p. 207.

due time, will transmit within seven days the record of the case to the International Bureau.

If the notice of the appeal is sent to the International Bureau, the Bureau will immediately inform the national court, when possible by telegraph. The latter will transmit the record as provided in the preceding paragraph.

When the appeal is brought by a neutral individual the International Bureau at once informs by telegraph the individual's Government, in order to enable it to enforce the rights it enjoys under Article 4, paragraph 2.

ARTICLE 30

Appeal when
national courts
fail to give
final judgment.

In the case provided for in Article 6, paragraph 2, the notice of appeal can be addressed to the International Bureau only. It must be entered within thirty days of the expiration of the period of two years.

ARTICLE 31

Late appeal
may be rejected.

If the appellant does not enter his appeal within the period laid down in Articles 28 or 30, it shall be rejected without discussion.

Provided that he can show that he was prevented from so doing by *force majeure*, and that the appeal was entered within sixty days after the circumstances which prevented him entering it before had ceased to operate, the Court can, after hearing the respondent, grant relief from the effect of the above provision.

ARTICLE 32

Copy of
appeal is sent
to respondent.

If the appeal is entered in time, a certified copy of the notice of appeal is forthwith officially transmitted by the Court to the respondent.

ARTICLE 33

Appeal of
other parties.

If, in addition to the parties who are before the Court, there are other parties concerned who are entitled to appeal, or if, in the case referred to in Article 29, paragraph 3, the Government who has received notice of an appeal has not announced its decision, the Court will await before dealing with the case the expiration of the period laid down in Articles 28 or 30.

ARTICLE 34

The procedure before the International Court includes two distinct parts: the written pleadings and oral discussions. Pleadings and argument.

The written pleadings consist of the deposit and exchange of cases, counter-cases, and, if necessary, of replies, of which the order is fixed by the Court, as also the periods within which they must be delivered. The parties annex thereto all papers and documents of which they intend to make use.

A certified copy of every document produced by one party must be communicated to the other party through the medium of the Court.

ARTICLE 35

After the close of the pleadings, a public sitting is held on a day fixed by the Court. Public sitting.

At this sitting the parties state their view of the case both as to the law and as to the facts.

The Court may, at any stage of the proceedings, suspend speeches of counsel, either at the request of one of the parties, or on their own initiative, in order that supplementary evidence may be obtained.

ARTICLE 36

The International Court may order the supplementary evidence to be taken either in the manner provided by Article 27, or before itself, or one or more of the members of the Court, provided that this can be done without resort to compulsion or the use of threats. Supplementary evidence.

If steps are to be taken for the purpose of obtaining evidence by members of the Court outside the territory where it is sitting, the consent of the foreign Government must be obtained.

ARTICLE 37

The parties are summoned to take part in all stages of the proceedings and receive certified copies of the minutes. Parties summoned for every stage of proceedings.

ARTICLE 38

The discussions are under the control of the president or vice-president, or, in case they are absent or can not act, of the senior judge present. Discussions controlled by president.

The judge appointed by a belligerent party can not preside.

ARTICLE 39

Discussions
public.

The discussions take place in public, subject to the right of a Government who is a party to the case to demand that they be held in private.

Minutes.

Minutes are taken of these discussions and signed by the president and registrar, and these minutes alone have an authentic character.

ARTICLE 40

Result of
failure of
party to
appear.

If a party does not appear, despite the fact that he has been duly cited, or if a party fails to comply with some step within the period fixed by the Court, the case proceeds without that party, and the Court gives judgment in accordance with the material at its disposal.

ARTICLE 41

Notification
of decrees
or decisions.

The Court officially notifies to the parties decrees or decisions made in their absence.

ARTICLE 42

Matters con-
sidered in
arriving at
decision.

The Court takes into consideration in arriving at its decision all the facts, evidence, and oral statements.

ARTICLE 43

Manner of
making
decisions.

The Court considers its decision in private and the proceedings are secret.

All questions are decided by a majority of the judges present. If the number of judges is even and equally divided, the vote of the junior judge in the order of precedence laid down in Article 12, paragraph 1, is not counted.

ARTICLE 44

Reasons for
judgment.

The judgment of the Court must give the reasons on which it is based. It contains the names of the judges taking part in it, and also of the assessors, if any; it is signed by the president and registrar.

ARTICLE 45¹

Method of
pronouncing
sentence.

The sentence is pronounced in public sitting, the parties concerned being present or duly summoned to attend; the sentence is officially communicated to the parties.

¹See Article 7 of the Additional Protocol, *post*, p. 207.

When this communication has been made, the Court transmits to the national prize court the record of the case, together with copies of the various decisions arrived at and of the minutes of the proceedings.

ARTICLE 46

Each party pays its own costs.

Payment
of costs.

The party against whom the Court decides bears, in addition, the costs of the trial, and also pays 1 per cent of the value of the subject-matter of the case as a contribution to the general expenses of the International Court. The amount of these payments is fixed in the judgment of the Court.

If the appeal is brought by an individual, he will furnish the International Bureau with security to an amount fixed by the Court, for the purpose of guaranteeing eventual fulfilment of the two obligations mentioned in the preceding paragraph. The Court is entitled to postpone the opening of the proceedings until the security has been furnished.

ARTICLE 47

The general expenses of the International Prize Court are borne by the contracting Powers in proportion to their share in the composition of the Court as laid down in Article 15 and in the annexed table.¹ The appointment of deputy judges does not involve any contribution.

General
expenses
of Court.

The Administrative Council applies to the Powers for the funds requisite for the working of the Court.

ARTICLE 48

When the Court is not sitting, the duties conferred upon it by Article 32, Article 34, paragraphs 2 and 3, Article 35, paragraph 1, and Article 46, paragraph 3, are discharged by a delegation of three judges appointed by the Court. This delegation decides by a majority of votes.

Performance
of duties
when Court
is not sitting.

ARTICLE 49

The Court itself draws up its own rules of procedure, which must be communicated to the contracting Powers.

Rules of
procedure.

It will meet to elaborate these rules within a year of the ratification of the present Convention.

¹*Post*, p. 203.

ARTICLE 50

Modifications
in present
Convention.

The Court may propose modifications in the provisions of the present Convention concerning procedure. These proposals are communicated, through the medium of the Netherland Government, to the contracting Powers, which will consider together as to the measures to be taken.

Final
provisions.

PART IV.—FINAL PROVISIONS

ARTICLE 51

Applicability
of Convention.

The present Convention does not apply as of right except when the belligerent Powers are all parties to the Convention.

It is further fully understood that an appeal to the International Prize Court can only be brought by a contracting Power or the subject or citizen of a contracting Power.

In the cases mentioned in Article 5, the appeal is only admitted when both the owner and the person entitled to represent him are equally contracting Powers or the subjects or citizens of contracting Powers.

ARTICLE 52

Ratifications.

The present Convention shall be ratified and the ratifications shall be deposited at The Hague as soon as all the Powers mentioned in Article 15 and in the table annexed are in a position to do so.

The deposit of the ratifications shall take place, in any case, on the 30th June, 1909, if the Powers which are ready to ratify furnish nine judges and nine deputy judges to the Court, qualified to validly constitute a Court. If not, the deposit shall be postponed until this condition is fulfilled.

A minute of the deposit of ratifications shall be drawn up, of which a certified copy shall be forwarded, through the diplomatic channel, to each of the Powers referred to in the first paragraph.¹

ARTICLE 53

Signatures
and adhesions.

The Powers referred to in Article 15 and in the table annexed are entitled to sign the present Convention up to the deposit of the ratifications contemplated in paragraph 2 of the preceding article.

After this deposit, they can at any time adhere to it, purely and

¹See Article 8 of the Additional Protocol, *post*, p. 207.

simply.¹ A Power wishing to adhere, notifies its intention in writing to the Netherland Government transmitting to it, at the same time, the act of adhesion, which shall be deposited in the archives of the said Government. The latter shall send, through the diplomatic channel, a certified copy of the notification and of the act of adhesion to all the Powers referred to in the preceding paragraph, informing them of the date on which it has received the notification.

ARTICLE 54

The present Convention shall come into force six months from the deposit of the ratifications contemplated in Article 52, paragraphs 1 and 2. Effect of
Convention

The adhesions shall take effect sixty days after notification of such adhesion has been received by the Netherland Government, or as soon as possible on the expiration of the period contemplated in the preceding paragraph.

The International Court shall, however, have jurisdiction to deal with prize cases decided by the national courts at any time after the deposit of the ratifications or of the receipt of the notification of the adhesions. In such cases, the period fixed in Article 28, paragraph 2, shall only be reckoned from the date when the Convention comes into force as regards a Power which has ratified or adhered.

ARTICLE 55

The present Convention shall remain in force for twelve years from the time it comes into force, as determined by Article 54, paragraph 1, even in the case of Powers which adhere subsequently. Duration.

It shall be renewed tacitly from six years to six years unless denounced. Renewal.

Denunciation must be notified in writing, at least one year before the expiration of each of the periods mentioned in the two preceding paragraphs, to the Netherland Government, which will inform all the other contracting Powers. Denunciati

Denunciation shall only take effect in regard to the Power which has notified it. The Convention shall remain in force in the case of the other contracting Powers, provided that their participation in the appointment of judges is sufficient to allow of the composition of the Court with nine judges and nine deputy judges.

¹See Article 9 of the Additional Protocol, *post*, p. 207.

ARTICLE 56

Selection of
judges by
Administrative Council.

In case the present Convention is not in operation as regards all the Powers referred to in Article 15 and the annexed table, the Administrative Council shall draw up a list on the lines of that article and table of the judges and deputy judges through whom the contracting Powers will share in the composition of the Court. The times allotted by the said table to judges who are summoned to sit in rota will be redistributed between the different years of the six-year period in such a way that, as far as possible, the number of the judges of the Court in each year shall be the same. If the number of deputy judges is greater than that of the judges, the number of the latter can be completed by deputy judges chosen by lot among those powers which do not nominate a judge.

The list drawn up in this way by the Administrative Council shall be notified to the contracting Powers. It shall be revised when the number of these Powers is modified as the result of adhesions or denunciations.

The change resulting from an adhesion is not made until the 1st January after the date on which the adhesion takes effect, unless the adhering Power is a belligerent Power, in which case it can ask to be at once represented in the Court, the provision of Article 16 being, moreover, applicable if necessary.

When the total number of judges is less than eleven, seven judges form a quorum.

ARTICLE 57

Modification
of Article 15.

Two years before the expiration of each period referred to in paragraphs 1 and 2 of Article 55 any contracting Power can demand a modification of the provisions of Article 15 and of the annexed table, relative to its participation in the composition of the Court. The demand shall be addressed to the Administrative Council, which will examine it and submit to all the Powers proposals as to the measures to be adopted. The Powers shall inform the Administrative Council of their decision with the least possible delay. The result shall be at once, and at least one year and thirty days before the expiration of the said period of two years, communicated to the Power which made the demand.

When necessary, the modifications adopted by the Powers shall come into force from the commencement of the fresh period.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention. Signing.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel to the Powers designated in Article 15 and in the table annexed. Deposit of original.

Certified copy to Powers.

[Here follow signatures.]

ANNEX TO ARTICLE 15

Distribution of Judges and Deputy Judges by Countries for Each Year of the Period of Six Years

JUDGES	DEPUTY JUDGES	JUDGES	DEPUTY JUDGES
<i>First Year</i>		<i>Second Year</i>	
1 Argentine	Paraguay	Argentine	Panama
2 Colombia	Bolivia	Spain	Spain
3 Spain	Spain	Greece	Roumania
4 Greece	Roumania	Norway	Sweden
5 Norway	Sweden	Netherlands	Belgium
6 Netherlands	Belgium	Turkey	Luxemburg
7 Turkey	Persia	Uruguay	Costa Rica
<i>Third Year</i>		<i>Fourth Year</i>	
1 Brazil	Dominican Rep.	Brazil	Guatemala
2 China	Turkey	China	Turkey
3 Spain	Portugal	Spain	Portugal
4 Netherlands	Switzerland	Peru	Honduras
5 Roumania	Greece	Roumania	Greece
6 Sweden	Denmark	Sweden	Denmark
7 Venezuela	Haiti	Switzerland	Netherlands
<i>Fifth Year</i>		<i>Sixth Year</i>	
1 Belgium	Netherlands	Belgium	Netherlands
2 Bulgaria	Montenegro	Chile	Salvador
3 Chile	Nicaragua	Denmark	Norway
4 Denmark	Norway	Mexico	Ecuador
5 Mexico	Cuba	Portugal	Spain
6 Persia	China	Serbia	Bulgaria
7 Portugal	Spain	Siam	China

**ADDITIONAL PROTOCOL TO THE CONVENTION RELATIVE TO THE
ESTABLISHMENT OF AN INTERNATIONAL COURT OF PRIZE¹**

Signed at The Hague, September 19, 1910

Contracting
Powers.

Germany, the United States of America, the Argentine Republic, Austria-Hungary, Belgium, Bolivia, Bulgaria, Chile, Colombia, the Republic of Cuba, Denmark, Ecuador, Spain, France, Great Britain, Guatemala, Haiti, Italy, Japan, Mexico, Norway, Panama, Paraguay, the Netherlands, Peru, Persia, Portugal, Salvador, Siam, Sweden, Switzerland, Turkey, Uruguay,

Powers signatory to the Hague Convention dated October 18, 1907, for the establishment of an International Court of Prize,

Considering that for some of these Powers difficulties of a constitutional nature prevent the acceptance of the said Convention, in its present form,

Have deemed it expedient to agree upon an additional protocol taking into account these difficulties without jeopardizing any legitimate interest and have, to that end, appointed as their plenipotentiaries, to wit:

Plenipo-
tentiaries.

Germany: His Excellency Félix von Müller, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The United States of America: James Brown Scott.

The Argentine Republic: His Excellency Alejandro Guesalaga, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Austria-Hungary: Baron E. Gudenus, Chargé d'Affaires *ad interim* at The Hague.

Belgium: His Excellency Baron Fallon, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Bolivia: His Excellency General Ismael Montes, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Bulgaria: His Excellency Dimitri Stancioff, Envoy Extraordinary and Minister Plenipotentiary in France and Belgium.

Chile: His Excellency Federico Puga Borne, Envoy Extraordinary and Minister Plenipotentiary at Paris.

Colombia: His Excellency Ignacio Gutiérrez Ponce, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The Republic of Cuba: Miguel Angel Campa, Chargé d'Affaires *ad interim* at The Hague.

Denmark: J. W. Grevenkop Castenskjold, Minister Resident at The Hague.

¹*Foreign relations of the United States*, 1910, p. 631; Martens, *Nouveau Recueil Général de Traité*s, 3d series, vol. vii, p. 73.

Ecuador: His Excellency Victor Manuel Rendón, Envoy Extraordinary and Minister Plenipotentiary at Paris.

Spain: His Excellency José de la Rica y Calvo, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

France: His Excellency Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Great Britain: His Excellency Sir George William Buchanan, G. C. V. O., K. C. M. G., C. B., Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Guatemala: Francisco de Arce, Chargé d'Affaires *ad interim* at The Hague.

Haiti: His Excellency Georges Sylvain, Envoy Extraordinary and Minister Plenipotentiary at Paris.

Italy: His Excellency Count Giuseppe Sallier de la Tour, Duke of Calvello, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Japan: His Excellency Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Mexico: His Excellency Enrique Olarte, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Norway: His Excellency George Francis Hagerup, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Panama: Juan Antonio Jiménez, Chargé d'Affaires at The Hague.

Paraguay: Count Georges du Monceau de Bergendal, Consul of Paraguay at Brussels.

The Netherlands: His Excellency Jonkheer R. de Marees van Swinderen, Minister of Foreign Affairs.

Peru: His Excellency Manuel Alvarez Calderón, Envoy Extraordinary and Minister Plenipotentiary in Belgium and Switzerland.

Persia: His Excellency Mirza Ahmed Khan Sadigh ul-Mulk, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Portugal: Carlos Rangel de Sampaio, Chargé d'Affaires *ad interim* at The Hague.

Salvador: John Helsmoortel, Consul General of Salvador in Belgium.

Siam: His Excellency Phya Visutr Kosa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Sweden: His Excellency Count Johan Jacob Albert Ehrensward, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Switzerland: Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Turkey: His Excellency Aristarchi Bey, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Uruguay: Virgilio Sampognaro, Chargé d'Affaires at The Hague.

Who, after depositing their full powers, found to be in good and due form, have agreed upon the following:

ARTICLE 1

Rights of Powers signatory or adhering to Convention of October 18, 1907.

The Powers signatory or adhering to the Hague Convention of October 18, 1907, relative to the establishment of an International Court of Prize, which are prevented by difficulties of a constitutional nature from accepting the said Convention in its present form, have the right to declare in the instrument of ratification or adherence that in prize cases, whereof their national courts have jurisdiction, recourse to the International Court of Prize can only be exercised against them in the form of an action in damages for the injury caused by the capture.

ARTICLE 2

In case of an action for damages.

In the case of recourse to the International Court of Prize, in the form of an action for damages, Article 8¹ of the Convention is not applicable; it is not for the Court to pass upon the validity or the nullity of the capture, nor to reverse or affirm the decision of the national tribunals.

Court determines amount to be allowed, if any.

If the capture is considered illegal, the Court determines the amount of damages to be allowed, if any, to the claimants.

ARTICLE 3

The conditions to which recourse to the International Court of Prize is subject by the Convention are applicable to the action in damages.

ARTICLE 4

Rules of procedure.

Under reserve of the provisions hereinafter stated the rules of procedure established by the Convention for recourse to the International Court of Prize shall be observed in the action in damages.

ARTICLE 5

In derogation of Article 28 of Convention.

In derogation of Article 28, paragraph 1, of the Convention, the suit for damages can only be brought before the International Court of

¹*Ante*, p. 191.

Prize by means of a written declaration addressed to the International Bureau of the Permanent Court of Arbitration; the case may even be brought before the Bureau by telegram.

ARTICLE 6

In derogation of Article 29 of the Convention the International Bureau shall notify directly, and if possible by telegram, the Government of the belligerent captor of the declaration of action brought before it.

In derogation
of Article 29
of Convention

The Government of the belligerent captor, without considering whether the prescribed periods of time have been observed, shall, within seven days of the receipt of the notification, transmit to the International Bureau the case, appending thereto a certified copy of the decision, if any, rendered by the national tribunal.

ARTICLE 7

In derogation of Article 45, paragraph 2, of the Convention the Court rendering its decision and notifying it to the parties to the suit shall send directly to the Government of the belligerent captor the record of the case submitted to it, appending thereto a copy of the various intervening decisions as well as a copy of the minutes of the preliminary proceedings.

In derogation
of Article 45
of Convention.

ARTICLE 8

The present additional protocol shall be considered as forming an integral part of and shall be ratified at the same time as the Convention.

Present proto-
col to form
integral part
of treaty.

If the declaration provided for in Article 1 herein above is made in the instrument of the ratification, a certified copy thereof shall be inserted in the *procès-verbal* of the deposit of ratifications referred to in Article 52, paragraph 3, of the Convention.

ARTICLE 9

Adherence to the Convention is subordinated to adherence to the present additional protocol.

Adherence.

In faith of which the plenipotentiaries have affixed their signatures to the present additional protocol.

Signing.

Deposit of
original.

Certified copies
to Powers.

Done at The Hague on the 19th day of September, 1910, in a single copy, which shall remain deposited in the archives of the Government of the Netherlands and of which duly certified copies shall be forwarded through diplomatic channels to the Powers designated in Article 15 of the Convention relative to the establishment of an International Court of Prize of October 18, 1907, and in its appendix.

[Here follow signatures.]

SIGNATURES AND RESERVATIONS ¹

Both the 1907 Convention and the 1910 Additional Protocol have been signed by the following Powers:

Argentine Republic	Mexico
Austria-Hungary	Netherlands
Belgium	Norway
Bolivia	Panama
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Cuba	Portugal
Denmark	Salvador
Ecuador	Siam
France	Spain
Germany	Sweden
Great Britain	Switzerland
Guatemala	Turkey
Haiti	United States
Italy	Uruguay
Japan	

Reservations:

Chile, Cuba, Ecuador, Guatemala, Haiti, Persia, Salvador, Siam, Turkey and Uruguay signed the Convention with reservation of Article 15.

¹The deposit of ratifications provided for in Article 52, paragraph 2 (*ante*, p. 200) has not yet taken place.

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**CONVENTION (XIII) CONCERNING THE RIGHTS AND DUTIES OF
NEUTRAL POWERS IN NAVAL WAR**

Signed at The Hague, October 18, 1907

His Majesty the German Emperor, King of Prussia; [etc.] :

With a view to harmonizing the divergent views which, in the event of naval war, are still held on the relations between neutral Powers and belligerent Powers, and to anticipating the difficulties to which such divergence of views might give rise;

**Purpose of
Convention.**

Seeing that, even if it is not possible at present to concert measures applicable to all circumstances which may in practice occur, it is nevertheless undeniably advantageous to frame, as far as possible, rules of general application to meet the case where war has unfortunately broken out;

Seeing that, in cases not covered by the present Convention, it is expedient to take into consideration the general principles of the law of nations;

Seeing that it is desirable that the Powers should issue detailed enactments to regulate the results of the attitude of neutrality when adopted by them;

Seeing that it is, for neutral Powers, an admitted duty to apply these rules impartially to the several belligerents;

Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral Power, except in a case where experience has shown the necessity for such change for the protection of the rights of that Power;

Have agreed to observe the following common rules, which can not however modify provisions laid down in existing general treaties, and have appointed as their plenipotentiaries, namely:

**Plenipo-
tentiaries.**

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

Belligerents
to respect
rights of
neutral Powers.

Belligerents are bound to respect the sovereign rights of neutral Powers and to abstain, in neutral territory or neutral waters, from any act which would, if knowingly permitted by any Power, constitute a violation of neutrality.

ARTICLE 2

Hostile acts
in neutral
waters
forbidden.

Any act of hostility, including capture and the exercise of the right of search, committed by belligerent war-ships in the territorial waters of a neutral Power, constitutes a violation of neutrality and is strictly forbidden.

ARTICLE 3

Release of
ships captured:
by neutral
Power;

When a ship has been captured in the territorial waters of a neutral Power, this Power must employ, if the prize is still within its jurisdiction, the means at its disposal to release the prize with its officers and crew, and to intern the prize crew.

by captor
Government.

If the prize is not in the jurisdiction of the neutral Power, the captor Government, on the demand of that Power, must liberate the prize with its officers and crew.¹

ARTICLE 4

Prize courts
forbidden in
neutral
territory.

A prize court can not be set up by a belligerent on neutral territory or on a vessel in neutral waters.

ARTICLE 5

Use of neutral
ports by
belligerents
forbidden.

Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries, and in particular to erect wireless telegraphy stations or any apparatus for the purpose of communicating with the belligerent forces on land or sea.

ARTICLE 6

War supplies
to belligerents
forbidden.

The supply, in any manner, directly or indirectly, by a neutral Power to a belligerent Power, of war-ships, ammunition, or war material of any kind whatever, is forbidden.

¹See the reservation of the United States respecting this paragraph, *post*, p. 219.

ARTICLE 7

A neutral Power is not bound to prevent the export or transit, for the use of either belligerent, of arms, ammunition, or, in general, of anything which could be of use to an army or fleet.

Right of export, etc., allowed.

ARTICLE 8

A neutral Government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile operations, against a Power with which that Government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war.

Arming, etc. for hostile use to be prevented by neutral.

ARTICLE 9

A neutral Power must apply impartially to the two belligerents the conditions, restrictions, or prohibitions made by it in regard to the admission into its ports, roadsteads, or territorial waters, of belligerent war-ships or of their prizes.

Impartiality to belligerents.

Nevertheless, a neutral Power may forbid a belligerent vessel which has failed to conform to the orders and regulations made by it, or which has violated neutrality, to enter its ports or roadsteads.

Prohibitions allowed.

ARTICLE 10¹

The neutrality of a Power is not affected by the mere passage through its territorial waters of war-ships or prizes belonging to belligerents.

Passing through neutral waters allowed.

ARTICLE 11²

A neutral Power may allow belligerent war-ships to employ its licensed pilots.

Pilots.

ARTICLE 12³

In the absence of special provisions to the contrary in the legislation of a neutral Power, belligerent war-ships are not permitted to remain in the ports, roadsteads, or territorial waters of the said Power

Temporary stay in ports.

¹See the declaration of Turkey as to the Dardanelles and Bosphorus, *post*, p. 219.

²Germany made reservation of Article 11.

³The Dominican Republic, Germany, Persia and Siam made reservation of Article 12.

for more than twenty-four hours, except in the cases covered by the present Convention.

ARTICLE 13¹

Departure of war-ships on outbreak of hostilities.

If a Power which has been informed of the outbreak of hostilities learns that a belligerent war-ship is in one of its ports or roadsteads, or in its territorial waters, it must notify the said ship to depart within twenty-four hours or within the time prescribed by local regulations.

ARTICLE 14

Detention by reason of damage, etc.

A belligerent war-ship may not prolong its stay in a neutral port beyond the permissible time except on account of damage or stress of weather. It must depart as soon as the cause of the delay is at an end.

Vessels permitted to remain.

The regulations as to the question of the length of time which these vessels may remain in neutral ports, roadsteads, or waters, do not apply to war-ships devoted exclusively to religious, scientific, or philanthropic purposes.²

ARTICLE 15

Maximum of war-ships allowed in ports.

In the absence of special provisions to the contrary in the legislation of a neutral Power, the maximum number of war-ships belonging to a belligerent which may be in one of the ports or roadsteads of that Power simultaneously shall be three.

ARTICLE 16

Departure of war-ships of both belligerents.

When war-ships belonging to both belligerents are present simultaneously in a neutral port or roadstead, a period of not less than twenty-four hours must elapse between the departure of the ship belonging to one belligerent and the departure of the ship belonging to the other.

Order of departure.

The order of departure is determined by the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is permissible.

Allowance to merchant ships.

A belligerent war-ship may not leave a neutral port or roadstead until twenty-four hours after the departure of a merchant ship flying the flag of its adversary.

¹Germany made reservation of Article 13.

²China made reservation of this paragraph.

ARTICLE 17

In neutral ports and roadsteads belligerent war-ships may only carry out such repairs as are absolutely necessary to render them seaworthy, and may not add in any manner whatsoever to their fighting force. The local authorities of the neutral Power shall decide what repairs are necessary, and these must be carried out with the least possible delay.

Repairs
permitted
war-ships.

ARTICLE 18

Belligerent war-ships may not make use of neutral ports, roadsteads, or territorial waters for replenishing or increasing their supplies of war material or their armament, or for completing their crews.

Use of neutral
ports, etc., by
war-ships
forbidden.

ARTICLE 19¹

Belligerent war-ships may only revictual in neutral ports or roadsteads to bring up their supplies to the peace standard.

Revictualing
permitted.

Similarly these vessels may only ship sufficient fuel to enable them to reach the nearest port in their own country. They may, on the other hand, fill up their bunkers built to carry fuel, when in neutral countries which have adopted this method of determining the amount of fuel to be supplied.

Fuel.

If, in accordance with the law of the neutral Power, the ships are not supplied with coal within twenty-four hours of their arrival, the permissible duration of their stay is extended by twenty-four hours.

Time for
coaling.

ARTICLE 20²

Belligerent war-ships which have shipped fuel in a port belonging to a neutral Power may not within the succeeding three months replenish their supply in a port of the same Power.

Restriction
on recoaling.

ARTICLE 21³

A prize may only be brought into a neutral port on account of unseaworthiness, stress of weather, or want of fuel or provisions.

When prizes
may enter
neutral ports.

It must leave as soon as the circumstances which justified its entry are at an end. If it does not, the neutral Power must order it to leave at once; should it fail to obey, the neutral Power must employ the means at its disposal to release it with its officers and crew and to intern the prize crew.

Duration
of stay.

¹China, Great Britain, Japan, Persia and Siam made reservation of Article 19.

²Germany made reservation of Article 20.

³Persia made reservation of Article 21.

ARTICLE 22

Release
of prizes.

A neutral Power must, similarly, release a prize brought into one of its ports under circumstances other than those referred to in Article 21.

ARTICLE 23¹

Sequestration
of prizes.

A neutral Power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestered pending the decision of a Prize Court. It may have the prize taken to another of its ports.

Prize crews.

If the prize is convoyed by a war-ship, the prize crew may go on board the conveying ship.

If the prize is not under convoy, the prize crew are left at liberty.

ARTICLE 24

Detention of
war-ships
refusing
to leave.

If, notwithstanding the notification of the neutral Power, a belligerent ship of war does not leave a port where it is not entitled to remain, the neutral Power is entitled to take such measures as it considers necessary to render the ship incapable of taking the sea during the war, and the commanding officer of the ship must facilitate the execution of such measures.

Officers
and crew.

When a belligerent ship is detained by a neutral Power, the officers and crew are likewise detained.

Disposition.

The officers and crew thus detained may be left in the ship or kept either on another vessel or on land, and may be subjected to the measures of restriction which it may appear necessary to impose upon them. A sufficient number of men for looking after the vessel must, however, be always left on board.

Officers
paroled.

The officers may be left at liberty on giving their word not to quit the neutral territory without permission.

ARTICLE 25

Surveillance by
neutral Powers.

A neutral Power is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of the provisions of the above articles occurring in its ports or roadsteads or in its waters.

¹Reservations as to this article were made by Great Britain, Japan, Siam and the United States.

ARTICLE 26

The exercise by a neutral Power of the rights laid down in the present Convention can under no circumstances be considered as an unfriendly act by one or other belligerent who has accepted the articles relating thereto.

Exercise of
neutral rights
not an un-
friendly act.

ARTICLE 27¹

The contracting Powers shall communicate to each other in due course all laws, proclamations, and other enactments regulating in their respective countries the status of belligerent war-ships in their ports and waters, by means of a communication addressed to the Government of the Netherlands, and forwarded immediately by that Government to the other contracting Powers.

Promulgation
of laws, etc.,
in force.

ARTICLE 28

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

Contracting
Powers
only affected.

ARTICLE 29

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

Ratification.

Deposit at
The Hague.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the ratifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

Certified copies
to Powers.

¹China made reservation of this article.

ARTICLE 30

Adhesion of
non-signatory
Powers.
Notification
of intent.

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

Communication
to other
Powers.

That Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 31

Effect of
ratification.

The present Convention shall come into force in the case of the Powers which were a party to the first deposit of the ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers who ratify subsequently or who adhere, sixty days after the notification of their ratification or of their decision has been received by the Netherland Government.

ARTICLE 32

Denunciation.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, who shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

Notifying
Power only
affected.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has been made to the Netherland Government.

ARTICLE 33

Register.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made by Article 29, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 30, paragraph 2) or of denunciation (Article 32, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

Signing.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Deposit
of original.

Done at The Hague, the 18th October, 1907, in a single copy, which

shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

Certified copies
to Powers.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Convention was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	November 27, 1909
Belgium	August 8, 1910
Brazil	January 5, 1914
Denmark	November 27, 1909
France	October 7, 1910
Germany	November 27, 1909
Guatemala	March 15, 1911
Haiti	February 2, 1910
Japan	December 13, 1911
Luxemburg	September 5, 1912
Mexico	November 27, 1909
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Roumania	March 1, 1912
Russia	November 27, 1909
Salvador	November 27, 1909
Siam	March 12, 1910
Sweden	November 27, 1909
Switzerland	May 12, 1910

Adhesions:

China	January 15, 1910
Liberia	February 4, 1914
Nicaragua	December 16, 1909
United States	December 3, 1909

The following Powers signed the Convention but have not yet ratified:

Argentine Republic	Italy
Bolivia	Montenegro
Bulgaria	Paraguay
Chile	Persia
Colombia	Peru
Dominican Republic	Serbia
Ecuador	Turkey
Great Britain	Uruguay
Greece	Venezuela

*Reservations:*¹

China

Adhesion with reservation of paragraph 2 of Article 14, paragraph 3 of Article 19, and of Article 27.

Dominican Republic

With reservation regarding Article 12.

Germany

Under reservation of Articles 11, 12, 13 and 20.²

Great Britain

Under reservation of Articles 19 and 23.

Japan

With reservation of Articles 19 and 23.²

Persia

Under reservation of Articles 12, 19 and 21.

Siam

Under reservation of Articles 12, 19 and 23.²

Turkey

Under reservation of the declaration concerning Article 10 contained in the *procès-verbal* of the eighth plenary session of the Conference held on October 9, 1907.

¹All these reservations, except those of China and the United States, were made at signature.

²Reservation maintained at ratification.

Extract from the procès-verbal:

The Ottoman delegation declares that the straits of the Dardanelles and the Bosphorus can not in any case be referred to by Article 10. The Imperial Government could undertake no engagement whatever tending to limit its undoubted rights over these straits.¹

United States

The act of adhesion contains the following reservation:

That the United States adheres to the said Convention, subject to the reservation and exclusion of its Article 23 and with the understanding that the last clause of Article 3 thereof implies the duty of a neutral Power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction.

¹Statement of Turkhan Pasha. *Actes et documents*, vol. i, p. 285.

THE HAGUE DECLARATIONS OF 1899 (IV, 1) AND 1907 (XIV)
PROHIBITING THE DISCHARGE OF PROJECTILES
AND EXPLOSIVES FROM BALLOONS

1899

1907

DECLARATION (IV, 1) to prohibit for the term of five years the launching of projectiles and explosives from balloons, and other new methods of a similar nature.—Signed at The Hague, July 29, 1899.

DECLARATION (XIV) prohibiting the discharge of projectiles and explosives from balloons.—Signed at The Hague, October 18, 1907.¹

International
Declaration.

The undersigned, plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

The undersigned, plenipotentiaries of the Powers *invited to the Second International Peace Conference* at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868, *and being desirous of renewing the declaration of The Hague of the 29th July, 1899, which has now expired,*

Declare that:

Declare:

Launching
projectiles
from balloons,
etc., prohibited.

The contracting Powers agree to prohibit, for a term of five years, the launching of projectiles and explosives from balloons, or by other new methods of similar nature.

The contracting Powers agree to prohibit, for a *period extending to the close of the Third Peace Conference*, the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.

¹Italics indicate differences between the Declarations of 1899 and 1907.

1899

The present Declaration is only binding on the contracting Powers in case of war between two or more of them.

It shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A procès-verbal shall be drawn up on the receipt of each ratification, of which a copy, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

The non-signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the contracting Powers by means of a written notification addressed to the Netherland Government, and communicated by it to all the other contracting Powers.

In the event of one of the high contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and by it forthwith communicated to all the other contracting Powers.

This denunciation shall only affect the notifying Power.

1907

The present Declaration is only binding on the contracting Powers in case of war between two or more of them. **Powers bound.**

It shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power. **Exemption.**

The present Declaration shall be ratified as soon as possible. **Ratification.**

The ratifications shall be deposited at The Hague. **Deposit at The Hague.**

A procès-verbal shall be drawn up recording the receipt of the ratifications, of which a duly certified copy shall be sent, through the diplomatic channel, to all the contracting Powers. **Certified copies to Powers.**

Non-signatory Powers may adhere to the present Declaration. To do so, they must make known their adhesion to the contracting Powers by means of a written notification, addressed to the Netherland Government, and communicated by it to all the other contracting Powers. **Adhesion of non-signatory Powers.**

In the event of one of the high contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other contracting Powers. **Denunciation.**

This denunciation shall only have effect in regard to the notifying Power. **Notifying Power only affected.**

Signing.

1899

In faith of which the plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

**Deposit
of original.**

Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the contracting Powers.

[Here follow signatures.]

1907

In faith whereof the plenipotentiaries have *appended their signatures* to the present Declaration.

Done at The Hague, *the 18th October, 1907*, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the contracting Powers.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The 1899 Declaration was *ratified* by the following signatory Powers on the dates indicated:

Austria-Hungary	September 4, 1900
Belgium	September 4, 1900
Bulgaria	September 4, 1900
China	November 21, 1904
Denmark	September 4, 1900
France	September 4, 1900
Germany	September 4, 1900
Greece	April 4, 1901
Italy	September 4, 1900
Japan	October 6, 1900
Luxemburg	July 12, 1901
Mexico	April 17, 1901
Montenegro	October 16, 1900
Netherlands	September 4, 1900
Norway	(See Sweden and Norway.)
Persia	September 4, 1900
Portugal	September 4, 1900
Roumania	September 4, 1900
Russia	September 4, 1900

Serbia	May 11, 1901
Siam	September 4, 1900
Spain	September 4, 1900
Sweden and Norway	September, 4, 1900
Switzerland	December 29, 1900
United States	September 4, 1900

Adhesions: none.

Power which signed but did not ratify: Turkey.

Reservations: none.

The 1907 Declaration was *ratified* by the following signatory Powers on the dates indicated:

Belgium	August 8, 1910
Bolivia	November 27, 1909
Brazil	January 5, 1914
China	November 27, 1909
Great Britain	November 27, 1909
Haiti	February 2, 1910
Luxemburg	September 5, 1912
Netherlands	November 27, 1909
Norway	September 19, 1910
Panama	September 11, 1911
Portugal	April 13, 1911
Salvador	November 27, 1909
Siam	March 12, 1910
Switzerland	May 12, 1910
United States	November 27, 1909

Adhesions:

Liberia	February 4, 1914
Nicaragua	December 16, 1909

224 DECLARATIONS ON PROJECTILES FROM BALLOONS

The following Powers signed the Declaration but have not yet ratified:

Argentine Republic
Austria-Hungary
Bulgaria
Colombia
Cuba
Dominican Republic

Ecuador
Greece
Persia
Peru
Turkey
Uruguay

Reservations: none.

DECLARATION (IV, 2) CONCERNING ASPHYXIATING GASES

Signed at The Hague, July 29, 1899

The undersigned, plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The contracting Powers agree to abstain from the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases.

The present Declaration is only binding on the contracting Powers in the case of a war between two or more of them.

It shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents shall be joined by a non-contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

The non-signatory Powers can adhere to the present Declaration. For this purpose they must make their adhesion known to the contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other contracting Powers.

In the event of one of the high contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Government of the Netherlands, and forthwith communicated by it to all the other contracting Powers.

This denunciation shall only affect the notifying Power.

Preamble.

Abstention from
use of projectile
diffusing
asphyxiating gas

Powers bound.

Exemption.

Ratification.
Deposit at
The Hague.
Notification
to Powers.

Adhesion.

Denunciation.

Notifying Power
only affected.

Signing.

In faith of which the plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Deposit of original.

Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be sent by the diplomatic channel to the contracting Powers.

Certified copies to Powers.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Declaration was *ratified* by all the signatory Powers on the dates indicated:

Austria-Hungary	September 4, 1900
Belgium	September 4, 1900
Bulgaria	September 4, 1900
China	November 21, 1904
Denmark	September 4, 1900
France	September 4, 1900
Germany	September 4, 1900
Greece	April 4, 1901
Italy	September 4, 1900
Japan	October 6, 1900
Luxemburg	July 12, 1901
Mexico	April 17, 1901
Montenegro	October 16, 1900
Netherlands	September 4, 1900
Norway	(See Sweden and Norway.)
Persia	September 4, 1900
Portugal	September 4, 1900
Roumania	September 4, 1900
Russia	September 4, 1900
Serbia	May 11, 1901
Siam	September 4, 1900
Spain	September 4, 1900
Sweden and Norway	September 4, 1900
Switzerland	December 29, 1900
Turkey	June 12, 1907

Adhesions:

Great Britain	August 30, 1907
Nicaragua	October 11, 1907

Reservations: none.

DECLARATION (IV, 3) CONCERNING EXPANDING BULLETS

Signed at The Hague, July 29, 1899

The undersigned, plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Preamble.

Declare as follows:

The contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.

Abstention from use of expanding bullets.

The present Declaration is only binding for the contracting Powers in the case of a war between two or more of them.

Powers bound.

It shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power.

Exemption.

The present Declaration shall be ratified as soon as possible.

Ratification.

The ratification shall be deposited at The Hague.

Deposit at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

Notification to Powers.

The non-signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other contracting Powers.

Adhesion.

In the event of one of the high contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other contracting Powers.

Denunciation.

This denunciation shall only affect the notifying Power.

Notifying Power only affected.

Signing.

In faith of which the plenipotentiaries have signed the present Declaration, and have affixed their seals thereto.

Deposit of original.

Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the contracting Powers.

Certified copies to Powers.

[Here follow signatures.]

RATIFICATIONS, ADHESIONS AND RESERVATIONS

The foregoing Declaration was *ratified* by all the signatory Powers on the dates indicated:

Austria-Hungary	September 4, 1900
Belgium	September 4, 1900
Bulgaria	September 4, 1900
China	November 21, 1904
Denmark	September 4, 1900
France	September 4, 1900
Germany	September 4, 1900
Greece	April 4, 1901
Italy	September 4, 1900
Japan	October 6, 1900
Luxemburg	July 12, 1901
Mexico	April 17, 1901
Montenegro	October 16, 1900
Netherlands	September 4, 1900
Norway	(See Sweden and Norway.)
Persia	September 4, 1900
Roumania	September 4, 1900
Russia	September 4, 1900
Serbia	May 11, 1901
Siam	September 4, 1900
Spain	September 4, 1900
Sweden and Norway	September 4, 1900
Switzerland	December 29, 1900
Turkey	June 12, 1907

Adhesions:

Great Britain	August 30, 1907
Nicaragua	October 11, 1907
Portugal	August 29, 1907

Reservations: none.

SUMMARY

OF THE

SIGNATURES, RATIFICATIONS, ADHESIONS

AND RESERVATIONS

TO THE

CONVENTIONS AND DECLARATIONS OF THE

FIRST CONFERENCE

Abbreviations	I Conven- tion for the pa- cific set- tlement of inter- national disputes	II Conven- tion with respect to the laws and customs of war on land	III Conven- tion for the adap- tation to mari- time warfare of the prin- ciples of the Geneva Conven- tion	IV(1) Declara- tion prohi- biting the launch- ing of projectiles or explo- sives from balloons	IV(2) Declara- tion con- cerning asphyx- iating gases	IV(3) Declara- tion con- cerning expand- ing bul- lets	F
S—signed. Rat.—ratified. Adh.—adhered. Res.—reservation.							
Argentine Republic Adh. June 17, 1907; June 15, 1907, as to Convention I.	Adh.	Adh.	Adh.	.....	.....	.....	.....
Austria-Hungary Rat. Sept. 4, 1900.....	S	S	S	S	S	S	S
Belgium Rat. Sept. 4, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Bolivia Adh. Feb. 7, 1907; June 15, 1907, as to Convention I.	S	S	S	.....	.....	.....	.....
Brazil Adh. Feb. 25, 1907; June 15, 1907, as to Convention I.	Adh.	Adh.	Adh.	.....	.....	.....	.....
Bulgaria Rat. Sept. 4, 1900.....	S	S	S	S	S	S	S
Chile Adh. June 19, 1907; June 15, 1907, as to Convention I.	Rat.	Rat.	Rat.	.....	.....	.....	.....
China Rat. Nov. 21, 1904; Adh. June 12, 1907.	Adh.	Adh.	Adh.	.....	.....	.....	.....
Colombia Adh. Jan. 30, 1907; June 15, 1907, as to Convention I.	S	S	S	.....	.....	.....	.....
Cuba Adh. June 15, 1907, April 17, 1907, and June 29, 1907, as to Conventions I, II, and III, re- spectively.	Adh.	Adh.	Adh.	.....	.....	.....	.....
Denmark Rat. Sept. 4, 1900.....	S	S	S	S	S	S	S
Dominican Republic Adh. June 15, 1907, April 13, 1907, and June 29, 1907, as to Conventions I, II and III re- spectively.	Rat.	Rat.	Rat.	.....	.....	.....	.....
Ecuador Adh. July 3, 1907, July 31, 1907, and Aug. 5, 1907, as to Con- ventions I, II, and III, re- spectively.	Adh.	Adh.	Adh.	.....	.....	.....	.....
France Rat. Sept. 4, 1900.....	S	S	S	S	S	S	S
Germany Rat. Sept. 4, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Germany Rat. Sept. 4, 1900.....	S	S	S res.	S	S	S	S
Germany Rat. Sept. 4, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....

Abbreviations	I	II	III	IV(1)	IV(2)	IV(3)	Final Act
	Convention for the pacific settlement of international disputes	Convention with respect to the laws and customs of war on land	Convention for the adaptation to maritime warfare of the principles of the Geneva Convention	Declaration prohibiting the launching of projectiles or explosives from balloons	Declaration concerning asphyxiating gases	Declaration concerning expanding bullets	
S.—signed. Rat.—ratified. Adh.—adhered. Rea.—reservation.							
Great Britain	S	S	S res.	.....	.....	.....	S
Rat. Sept. 4, 1900; Adh. Aug. 30, 1907.	Rat.	Rat.	Rat.	.....	Adh.	Adh.	.....
Greece	S	S	S	S	S	S	S
Rat. Apr. 4, 1901.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Guatemala .....	.....	.....	.....	.....	.....	.....	.....
Adh. June 15, 1907, May 2, 1906, and Apr. 6, 1903, as to Conventions I, II, and III, respectively.	Adh.	Adh.	Adh.	.....	.....	.....	.....
Haiti .....	.....	.....	.....	.....	.....	.....	.....
Adh. June 15, 1907, May 24, 1907, and June 29, 1907, as to Conventions I, II, and III, respectively.	Adh.	Adh.	Adh.	.....	.....	.....	.....
Honduras .....	.....	.....	.....	.....	.....	.....	.....
Adh. Aug. 21, 1906.....	.....	Adh.	Adh.	.....	.....	.....	.....
Italy	S	S	S	S	S	S	S
Rat. Sept. 4, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Japan	S	S	S	S	S	S	S
Rat. Oct. 6, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Korea .....	.....	.....	.....	.....	.....	.....	.....
Adh. Mar. 17, 1903; Feb. 7, 1903, as to Convention III.	.....	Adh.	Adh.	.....	.....	.....	.....
Luxemburg	S	S	S	S	S	S	S
Rat. July 12, 1901.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Mexico	S	S	S	S	S	S	S
Rat. Apr. 17, 1901.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Montenegro	S	S	S	S	S	S	S
Rat. Oct. 16, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Netherlands	S	S	S	S	S	S	S
Rat. Sept. 4, 1900.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Nicaragua .....	.....	.....	.....	.....	.....	.....	.....
Adh. June 15, 1907, as to Convention I; May 17, 1907, as to Conventions II and III; Oct. 11, 1907, as to Declarations 2 and 3.	Adh.	Adh.	Adh.	.....	Adh.	Adh.	.....
Norway ¹	S	S	S	S	S	S	S
Rat. Sept. 4, 1900; July 5, 1907, as to Convention II.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Panama .....	.....	.....	.....	.....	.....	.....	.....
Adh. June 15, 1907, July 20, 1907, and July 22, 1907, as to Conventions I, II, and III, respectively.	Adh.	Adh.	Adh.	.....	.....	.....	.....

¹See footnote on p. 232.

Abbreviations	I Convention for the Pacific settlement of international disputes	II Convention with respect to the laws and customs of war on land	III Convention for the adaptation to maritime warfare of the principles of the Geneva Convention	IV(1) Declaration prohibiting the launching of projectiles or explosives from balloons	IV(2) Declaration concerning asphyxiating gases	IV(3) Declaration concerning expanding bullets	Final Act
S—signed. Rat.—ratified. Adh.—adhered. Res.—reservation.							
Paraguay Adh. June 15, 1907, April 12, 1907, and June 29, 1907, as to Conventions I, II, and III, re- spectively.	Adh.	Adh.	Adh.				
Persia Rat. Sept. 4, 1900.....	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S
Peru Adh. Nov. 24, 1903; June 15, 1907, as to Convention I.	Adh.	Adh.	Adh.				
Portugal Rat. Sept. 4, 1900; Adh. Aug. 29, 1907.	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	..... Adh.	S
Roumania Rat. Sept. 4, 1900.....	S res. Rat. res.	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S
Russia Rat. Sept. 4, 1900.....	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S
Salvador Adh. June 20, 1902; June 20, 1907, as to Convention I.	Adh.	Adh.	Adh.				
Serbia Rat. May 11, 1901.....	S res. Rat. res.	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S
Siam Rat. Sept. 4, 1900.....	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S
Spain Rat. Sept. 4, 1900.....	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S
Sweden ¹ Rat. Sept. 4, 1900; July 5, 1907, as to Convention II.	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S Rat.	S
Switzerland Rat. Dec. 29, 1900, Adh. June 20, 1907.	S Rat.	..... Adh.	S Rat.	S Rat.	S Rat.	S Rat.	S
Turkey Rat. June 12, 1907.....	S res. Rat.	S Rat.	S res. Rat.	S	S Rat.	S Rat.	S
United States Rat. Sept. 4, 1900; Apr. 9, 1902, as to Convention II.	S res. Rat. res.	S Rat.	S res. Rat.	S Rat.			S
Uruguay Adh. June 21, 1906; June 17, 1907, as to Convention I.	Adh.	Adh.	Adh.				
Venezuela Adh. Mar. 1, 1907; June 15, 1907, as to Convention I.	Adh.	Adh.	Adh.				

¹Sweden and Norway constituted a Union until 1905. Action taken by them prior to that date was taken as a single Power.

RESERVATIONS AT SIGNATURE¹

CONVENTION I

Roumania. Under the reservations formulated with respect to Articles 16, 17 and 19 of the present Convention (15, 16 and 18 of the project presented by the committee on examination), and recorded in the *procès-verbal* of the sitting of the Third Commission of July 20, 1899.

Extract from the procès-verbal:

The Royal Government of Roumania being completely in favor of the principle of *facultative* arbitration, of which it appreciates the great importance in international relations, nevertheless does not intend to undertake, by Article 15, an engagement to accept arbitration in every case there provided for, and it believes it ought to form express reservations in that respect.

It can not therefore vote for this article, except under that reservation.

The Royal Government of Roumania declares that it can not adhere to Article 16 except with the express reservation, entered in the *procès-verbal*, that it has decided not to accept, in any case, an international arbitration for disagreements or disputes previous to the conclusion of the present Convention.

The Royal Government of Roumania declares that in adhering to Article 18 of the Convention, it makes no engagement in regard to obligatory arbitration.²

Serbia. Under the reservations recorded in the *procès-verbal* of the Third Commission of July 20, 1899.

Extract from the procès-verbal:

In the name of the Royal Government of Serbia, we have the honor to declare that our adoption of the principle of good offices and mediation does not imply a recognition of the right of third States to use these means except with the extreme reserve which proceedings of this delicate nature require.

We do not admit good offices and mediation except on condition that their character of purely friendly counsel is maintained fully and completely, and we never could accept them in forms and circumstances such as to impress upon them the character of intervention.³

¹All these reservations, except that of Turkey, were maintained at ratification.

²Declaration of Mr. Beldiman. *Procès-verbaux*, pt. iv, p. 48.

³Declaration of Mr. Miyatovitch. *Procès-verbaux*, pt. iv, p. 47.

CONVENTION I (Continued)

Turkey. Under reservation of the declaration made in the plenary sitting of the Conference of July 25, 1899.

Extract from the procès-verbal:

The Turkish delegation, considering that the work of this Conference has been a work of high loyalty and humanity, destined solely to assure general peace by safeguarding the interests and the rights of each one, declares, in the name of its Government, that it adheres to the project just adopted, on the following conditions:

1. It is formally understood that recourse to good offices and mediation, to commissions of inquiry and arbitration is purely facultative and could not in any case assume an obligatory character or degenerate into intervention;

2. The Imperial Government itself will be the judge of the cases where its interests would permit it to admit these methods without its abstention or refusal to have recourse to them being considered by the signatory States as an unfriendly act.

It goes without saying that in no case could the means in question be applied to questions concerning interior regulation.¹

United States. Under reservation of the declaration made at the plenary sitting of the Conference on the 25th of July, 1899.

Extract from the procès-verbal:

The delegation of the United States of America on signing the Convention for the pacific settlement of international disputes, as proposed by the International Peace Conference, makes the following declaration:

Nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.²

CONVENTION III

Germany, Great Britain, Turkey and United States signed with reservation of Article 10. It was subsequently agreed, on an understanding reached by the Government of the Netherlands with the signatory Powers, to exclude Article 10 from all ratifications of the Convention.³

¹Declaration of Turkhan Pasha. *Procès-verbaux*, pt. i. p. 70. This reservation does not appear in the instrument of ratification.

²*Procès-verbaux*, pt. i, p. 69. Compare the reservation of the United States to the 1907 Convention I, *post*, p. 242.

³U. S. Statutes at Large, vol. 32, p. 1837.

SUMMARY

OF THE

SIGNATURES, RATIFICATIONS, ADHESIONS
AND RESERVATIONS

TO THE

CONVENTIONS AND DECLARATION OF THE
SECOND CONFERENCE

[illegible]

IX Conven- tion con- cerning bom- bard- ment by naval forces in time of war	X Conven- tion for the adapta- tion to mari- time warfare of the prin- ciples of the Geneva Conven- tion	XI Conven- tion rel- ative to certain restri- ctions with regard to the exercise of the right of capture in naval war	XII Conven- tion rel- ative to the creation of an Intern- ational Prize Court	XIII Conven- tion con- cerning the rights and duties of neu- tral Powers in naval war	XIV Declara- tion pro- hibiting the dis- charge of pro- jectiles and explo- sives from balloons	Final Act	Protocol of Sep- tember 19, 1910, addi- tional to Hague Conven- tion XII on an Intern- ational Prize Court	
S	S	S	S	S	S	S	S	Argentine Republic
S	S	S	S	S	S	S	S	Austria-Hungary
Rat.	Rat.	Rat.	.....	Rat.	.....	.....	.....	Belgium
S	S	S	S	S	S	S	S	Bolivia
Rat.	Rat.	Rat.	.....	Rat.	.....	.....	.....	Brazil
S	S	S	.....	S	.....	S	.....	Bulgaria
Rat.	Rat.	Rat.	.....	Rat.	.....	S	S	Chile
S	S	S	S	S	S	S	S	China
S res.	S res.	S	S res.	S	.....	S	.....	Colombia
.....	S res.	.....	.....	.....	S	.....	.....	Cuba
Adh.	Rat. res.	.....	.....	Adh. res.	Rat	.....	.....	Denmark
S	S	S	S	S	S	S	S	Dominican Republic
S	S	S	S res.	.....	S	.....	.....	Ecuador
Rat.	Rat.	.....	.....	.....	.....	.....	.....	France
S	S	S	S	S res.	S	S	S	Germany
S	S	S	S res.	S	S	S	S	Great Britain
S res.	S	S	S	S	S	S	S	Greece
Rat. res.	Rat.	Rat.	.....	Rat.	.....	.....	.....	Guatemala
S res.	S	S	S	S res.	.....	.....	.....	Haiti
Rat. res.	Rat.	Rat.	.....	Rat. res.	.....	.....	.....	Italy
S res.	S res.	S	S	S res.	.....	S	S	Japan
Rat. res.	Rat.	Rat.	.....	Rat. res.	.....	.....	.....	Liberia
.....	.....	.....	.....	.....	.....	.....	.....	Luxemburg
Adh.	.....	Adh.	.....	Adh.	Adh.	.....	.....	Mexico
S	S	S	.....	S	S	S	.....
Rat.	Rat.	Rat.	.....	Rat.	Rat.	.....	.....
S	S	S	S	S	.....	S	S	
Rat.	Rat.	Rat.	.....	Rat.	.....	.....	.....

Abbreviations	I Convention for the Pacific settlement of international disputes	II Convention respecting the limitation of the employment of force for the recovery of contract debts	III Convention relative to the opening of hostilities	IV Convention respecting the laws and customs of war on land	V Convention respecting the rights and duties of neutral Powers and persons in case of war on land	VI Convention relating to the status of enemy merchant ships at the outbreak of hostilities	VII Convention relating to the conversion of merchant ships into war-ships	VIII Convention relative to the laying of automatic submarine contact mines
Montenegro	S	S	S	S res.	S	S	S	.....
Netherlands	S	S	S	S	S	S	S	S
Rat. Nov. 27, 1909..	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Nicaragua								
Adh. Dec. 16, 1909.	Adh.	Adh. res.	Adh.	Adh.	Adh.	Adh.	Adh.	Adh.
Norway	S	S	S	S	S	S	S	S
Rat. Sept. 19, 1910..	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Panama	S	S	S	S	S	S	S	S
Rat. Sept. 11, 1911..	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Paraguay	S	S	S	S	S	S	S	S
Persia	S	S	S	S	S	S	S	S
Peru	S	S res.	S	S	S	S	S	S
Portugal	S	S	S	S	S	S	S	S
Rat. April 13, 1911..	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Roumania	S res.	.....	S	S	S	S	S	S
Rat. Mar. 1, 1912..	Rat. res.	.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Russia	S	S	S	S res.	S	S res.	S	.....
Rat. Nov. 27, 1909..	Rat.	Rat.	Rat.	Rat. res.	Rat.	Rat. res.	Rat.	.....
Salvador	S	S res.	S	S	S	S	S	S
Rat. Nov. 27, 1909..	Rat.	Rat. res.	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Serbia	S	S	S	S	S	S	S	S
Siam	S	.....	S	S	S	S	S	S res.
Rat. Mar. 12, 1910..	Rat.	.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat. res.
Spain	S	S	S	.....	S	S	S	.....
Rat. Mar. 18, 1913..	Rat.	Rat.	Rat.	.....	Rat.	Rat.	Rat.	.....
Adh. Feb. 24, 1913.								
Sweden	S	.....	S	S	S	S	S	.....
Rat. Nov. 27, 1909; and July 13, 1911, as regards Convention X.	Rat.	.....	Rat.	Rat.	Rat.	Rat.	Rat.	.....
Switzerland	S res.	.....	S	S	S	S	S	S
Rat. May 12, 1910..	Rat. res.	.....	Rat.	Rat.	Rat.	Rat.	Rat.	Rat.
Turkey	S res.	S	S	S res.	S	S	S res.	S res.
United States	S res.	S	S	S	S	.....	.....	S
Rat. Nov. 27, 1909; Adh. Dec. 3, 1909.	Rat. res.	Rat. res.	Rat.	Rat.	Rat.	.....	.....	Rat.
Uruguay	S	S res.	S	S	S	S	.....	S
Venezuela	S	.....	S	S	S	S	S	S

IX Convention concerning bombardment by naval forces in time of war	X Convention for the adaptation to maritime warfare of the principles of the Geneva Convention	XI Convention relative to certain restrictions with regard to the exercise of the right of capture in naval war	XII Convention relative to the creation of an International Prize Court	XIII Convention concerning the rights and duties of neutral Powers in naval war	XIV Declaration prohibiting the discharge of projectiles and explosives from balloons	Final Act	Protocol of September 19, 1910, additional to Hague Convention XII on an International Prize Court	
S	S	.....	.....	S	.....	S	.....	Montenegro
S	S	S	S	S	S	S	S	Netherlands
Rat.	Rat.	Rat.	.....	Rat.	Rat.	.....	.....	Nicaragua
.....	.....	.....	.....	.....	.....	S	.....	Norway
Adh.	Adh.	Adh.	.....	Adh.	Adh.	S	S	Panama
S	S	S	S	S	S	.....	.....	Paraguay
Rat.	Rat.	Rat.	.....	Rat.	Rat.	S	S	Persia
S	S	S	S	S	S	S	S	Peru
Rat.	Rat.	Rat.	.....	Rat.	Rat.	.....	.....	Portugal
S	S	S	S	S	.....	.....	.....	Roumania
S	S res.	S	S res.	S res.	S	S	.....	Russia
S	S	S	S	S	S	S	.....	Salvador
Rat.	Rat.	Rat.	.....	Rat.	Rat.	.....	.....	Serbia
S	S	S	.....	S	.....	S	.....	Siam
Rat.	Rat.	Rat.	.....	S res.	S res.	S	S	Spain
.....	S	S	S	Rat. res.	Rat.	.....	.....	Sweden
Adh.	Rat.	Rat.	.....	.....	.....	S	S	Switzerland
S	S	S	S	S	.....	S res.	S	Turkey
Rat.	Rat.	Rat.	.....	Rat.	Rat.	.....	.....	United States
S	S res.	S	S res.	S res.	S	S	S	Uruguay
S	S	S	S	.....	Adh. res.	.....	.....	Venezuela
S	S	S	S res.	S	S	S	S	
S	S	S	.....	S	.....	S	.....

RESERVATIONS AT SIGNATURE

CONVENTION I

Brazil. With reservation as to Article 53, paragraphs 2, 3, and 4.

Chile. Under reservation of the declaration formulated with regard to Article 39 in the seventh meeting of the First Commission on October 7.

Extract from the procès-verbal:

The delegation of Chile desires to make the following declaration in the name of its Government with respect to this article. Our delegation at the time of signing the Convention of 1899 for the pacific settlement of international disputes did so with the reservation that the adhesion of its Government as regards Article 17 would not include controversies or questions prior to the celebration of the Convention.

The delegation of Chile believes it to be its duty to-day to renew, with respect to the same provision, the reservation that it has previously made, although it may not be strictly necessary in view of the similar character of the provision.¹

Greece. With the reservation of paragraph 2 of Article 53.

Japan. With reservation of paragraphs 3 and 4 of Article 48, of paragraph 2 of Article 53, and of Article 54.

Roumania. With the same reservations formulated by the Roumanian plenipotentiaries on signing the Convention for the pacific settlement of international disputes of July 29, 1899.²

Switzerland. Under reservation of Article 53, number 2.

Turkey. Under reservation of the declarations recorded in the *procès-verbal* of the ninth plenary session of the Conference held On October 16, 1907. (Continued, p. 242.)

¹Statement of Mr. Domingo Gana. *Actes et documents*, vol. ii, p. 121.

²See *ante*, p. 233.

RESERVATIONS AT RATIFICATION

CONVENTION I

Brazil. Reservation maintained in the act of ratification.

Chile. [Not yet ratified.]

Greece. [Not yet ratified.]

Japan. Reservation maintained in the act of ratification.

Roumania. Reservations maintained in the act of ratification.

Switzerland. Reservation maintained in the act of ratification.

Turkey. [Not yet ratified.]

RESERVATIONS AT SIGNATURE

CONVENTION I (Continued)

Turkey (Continued from p. 240)

Extract from the procès-verbal:

The Ottoman delegation declares, in the name of its Government, that while it is not unmindful of the beneficent influence which good offices, mediation, commissions of inquiry, and arbitration are able to exercise on the maintenance of the pacific relations between States, in giving its adhesion to the whole of the draft, it does so on the understanding that such methods remain, as before, purely optional; it could in no case recognize them as having an obligatory character rendering them susceptible of leading directly or indirectly to an intervention.

The Imperial Government proposes to remain the sole judge of the occasions when it shall be necessary to have recourse to the different proceedings or to accept them without its determination on the point being liable to be viewed by the signatory States as an unfriendly act.

It is unnecessary to add that such methods should never be applied in cases of internal order.¹

United States. Under reservation of the declaration made in the plenary session of the Conference held on October 16, 1907.

Extract from the procès-verbal:

The delegation of the United States renews the reservation made in 1899 on the subject of Article 48 of the Convention for the pacific settlement of international disputes in the form of the following declaration:

Nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.²

CONVENTION II

Argentine Republic. The Argentine Republic makes the following reservations:

1. With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign Government, recourse
(Continued, p. 244.)

¹Statements of Turkhan Pasha. *Actes et documents*, vol. i, p. 336.

²Statement of Mr. David Jayne Hill. *Actes et documents*, vol. i, p. 335.

RESERVATIONS AT RATIFICATION

CONVENTION I (Continued)

United States. Reservation maintained in the act of ratification, which contains, besides, the following reservation:

That the United States approves this Convention with the understanding that recourse to the Permanent Court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in Article 53 of said Convention, to exclude the formulation of the *compromis* by the Permanent Court, and hereby excludes from the competence of the Permanent Court the power to frame the *compromis* required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the *compromis* required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise.

CONVENTION II

Argentine Republic. [Not yet ratified.]

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RESERVATIONS AT SIGNATURE

CONVENTION II (Continued)

Argentine Republic (Continued from p. 242)

shall not be had to arbitration except in the specific case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.

2. Public loans, secured by bond issues and constituting the national debt, shall in no case give rise to military aggression or the material occupation of the soil of American nations.

Bolivia. Under the reservation stated to the First Commission.

Extract from the procès-verbal:

It seems to me, therefore, that the acceptance of the proposition before us will but mean the legitimation by the *Peace Conference* of a certain class of *wars*, or at least interventions based on disputes which relate neither to the honor nor vital interests of the creditor States.

In consequence of these forceful reasons, the delegation of Bolivia regrets not to give its entire assent to the proposition under discussion.¹

Colombia. Colombia makes the following reservations:

It does not agree to the employment of force in any case for the recovery of debts, whatever be their nature. It accepts arbitration only after a final decision has been rendered by the courts of the debtor nations.

Dominican Republic. With the reservation made at the plenary session of October 16, 1907.

Extract from the procès-verbal:

The delegation of the Dominican Republic confirms its favorable vote on the proposal of the delegation of the United States relative to the limitation of the employment of force for the recovery of contract debts; but it renews its reservation as to the condition contained in this part of the clause: "or after accepting the offer, prevents any *compromis* from being agreed on," as its interpretation might lead to excessive consequences which would be the more regrettable as they are provided for and avoided in the plan of Article 53 of the new Convention for the pacific settlement of international disputes.²

Ecuador. With the reservations made at the plenary session of October 16, 1907.

Extract from the procès-verbal:

The delegation of Ecuador will vote affirmatively while maintaining the reservations made in the First Commission.³

¹Statement of Mr. Claudio Pinilla. *Actes et documents*, vol. ii, p. 142.

²Statement of Mr. Apolinar Tejera. *Actes et documents*, vol. i, p. 337.

³Statement of Mr. Dorn y de Alsúa. *Actes et documents*, vol. i, p. 338.

RESERVATIONS AT RATIFICATION
CONVENTION II (Continued)

Bolivia. [Not yet ratified.]

Colombia. [Not yet ratified.]

Dominican Republic. [Not yet ratified.]

Ecuador. [Not yet ratified.]

RESERVATIONS AT SIGNATURE

CONVENTION II (Continued)

Greece. With the reservation made at the plenary session of October 16, 1907.

Extract from the procès-verbal:

In the eighth meeting of the First Commission the Greek delegation, being without definite instructions, was obliged to reserve its vote on the subject of the proposition of the United States of America on the treatment of contract debts. We are to-day in a position to declare that the Royal Government accepts the said proposition, which has for its aim the doing away, by peaceful means, of differences between nations and the exclusion, conformably to the principles of international law, of the employment of armed force outside of armed conflicts. We consider, at the same time, that the provisions contained in paragraphs 2 and 3 of the text voted can not affect existing stipulations nor laws in force in the realm.¹

Guatemala. 1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign Government, recourse shall be had to arbitration only in case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.

2. Public loans secured by bond issues and constituting national debts shall in no case give rise to military aggression or the material occupation of the soil of American nations.

Nicaragua. [Not a signatory Power.]

¹Statement of Mr. Rangabé. *Actes et documents*, vol. i, p. 336.

RESERVATIONS AT RATIFICATION

CONVENTION II (Continued)

Greece. [Not yet ratified.]

Guatemala. 1. Reservation maintained in the act of ratification.

2. Reservation maintained in the act of ratification.

Nicaragua. The act of adhesion contains the following reservations:

(a) With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign Government, recourse shall be had to arbitration only in the specific case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.

(b) Public loans secured by bond issues and constituting the national debt shall in no case give rise to military aggression or the material occupation of the soil of American nations.

RESERVATIONS AT SIGNATURE

CONVENTION II (Continued)

Peru. Under the reservation that the principles laid down in this Convention shall not be applicable to claims or differences arising from contracts concluded by a country with foreign subjects when it has been expressly stipulated in these contracts that the claims or differences must be submitted to the judges or courts of the country.

Salvador. We make the same reservations as the Argentine Republic above.¹

United States. [Signed without reservation.]

Uruguay. Under reservation of the second paragraph of Article 1, because the delegation considers that arbitration may always be refused as a matter of right if the fundamental law of the debtor nation, prior to the contract which has given rise to the doubts or disputes, or this contract itself, has stipulated that such doubts or disputes shall be settled by the courts of the said nation.

CONVENTION IV

Austria-Hungary. Under reservation of the declaration made in the plenary session of the Conference of August 17, 1907.

Extract from the procès-verbal:

The delegation of Austria-Hungary having accepted the new Article 22a, on condition that Article 44 of the Convention now in force be maintained as it is, can not consent to the Article 44a, proposed by the Second Commission.²

¹*Ante*, p. 242.

²Statement of Mr. Mérey von Kapos-Mére. *Actes et documents*, vol. i, p. 86.

RESERVATIONS AT RATIFICATION

CONVENTION II (Continued)

Peru. [Not yet ratified.]

Salvador. Reservations maintained in the act of ratification.

United States. The act of ratification contains the following reservation:

That the United States approves this Convention with the understanding that recourse to the Permanent Court for the settlement of the differences referred to in said Convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute.

Uruguay. [Not yet ratified.]

CONVENTION IV

Austria-Hungary. Reservation maintained in the *procès-verbal* of deposit of ratifications.

RESERVATIONS AT SIGNATURE

CONVENTION IV (Continued)

Germany. Under reservation of Article 44 of the annexed Regulations.

Japan. With reservation of Article 44.

Montenegro. Under the reservations formulated as to Article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

Extract from the procès-verbal:

The delegation of Montenegro has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in the place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of the new wording of the said Article 44a.¹

Russia. Under the reservations formulated as to Article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

Extract from the procès-verbal:

The delegation of Russia has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in the place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of the new wording of the said Article 44a.²

Turkey. Under reservation of Article 3.

CONVENTION V

Argentine Republic. The Argentine Republic makes reservation of Article 19.

Great Britain. Under reservation of Articles 16, 17 and 18.

¹Statement of Mr. Tcharykow. *Actes et documents*, vol. i, p. 86.

²Statement of Mr. Martens. *Actes et documents*, vol. i, p. 86.

RESERVATIONS AT RATIFICATION

CONVENTION IV (Continued)

Germany. Reservation maintained in the act of ratification.

Japan. Reservation maintained in the act of ratification.

Montenegro. [Not yet ratified.]

Russia. Reservations maintained in the act of ratification.

Turkey. [Not yet ratified.]

CONVENTION V

Argentine Republic. [Not yet ratified.]

Great Britain. [Not yet ratified.]

RESERVATIONS AT SIGNATURE

CONVENTION VI

Germany. Under reservation of Article 3 and of Article 4, paragraph 2.¹

Russia. Under the reservations made as to Article 3 and Article 4, paragraph 2, of the present Convention, and recorded in the minutes of the seventh plenary session of September 27, 1907.¹

CONVENTION VII

Turkey. Under reservation of the declaration made at the eighth plenary session of the Conference of October 9, 1907.

Extract from the procès-verbal:

The Imperial Ottoman Government does not engage to recognize as vessels of war, ships which, being in its waters or on the high seas under a merchant flag, are converted on the opening of hostilities.²

CONVENTION VIII

Dominican Republic. With reservation as to the first paragraph of Article 1.

France. Under reservation of Article 2.

Germany. Under reservation of Article 2.

Great Britain. Under reservation of the following declaration:

In affixing their signatures to the above Convention the British plenipotentiaries declare that the mere fact that this Convention does not prohibit a particular act or proceeding must not be held to debar His Britannic Majesty's Government from contesting its legitimacy.

¹The German and Russian delegations considered that these provisions established an inequality between States in imposing financial burdens on those Powers which, lacking naval stations in different parts of the world, are not in a position to take vessels which they have seized into a port, but find themselves compelled to destroy them. *Actes et documents*, vol. i, p. 236; vol. iii, p. 918.

²*Actes et documents*, vol. i, p. 277.

RESERVATIONS AT RATIFICATION

CONVENTION VI

Germany. Reservation maintained in the act of ratification.

Russia. Reservations maintained in the act of ratification.

CONVENTION VII

Turkey. [Not yet ratified.]

CONVENTION VIII

Dominican Republic. [Not yet ratified.]

France. Reservation maintained in the act of ratification.

Germany. Reservation maintained in the act of ratification.

Great Britain. Reservation maintained in the act of ratification.

RESERVATIONS AT SIGNATURE

CONVENTION VIII (Continued)

Slam. Under reservation of Article 1, paragraph 1.

Turkey. Under reservation of the declarations recorded in the *procès-verbal* of the eighth plenary session of the Conference held on October 9, 1907.

Extract from the procès-verbal:

The Imperial Ottoman delegation can not at the present time undertake any engagement whatever for perfected systems which are not yet universally known. * * * The Imperial Ottoman delegation believes that it should declare that, given the exceptional situation created by treaties in force of the straits of the Dardanelles and the Bosphorus, straits which are an integral part of the territory, the Imperial Government could not in any way subscribe to any undertaking tending to limit the means of defense that it may deem necessary to employ for these straits in case of war or with the aim of causing its neutrality to be respected. * * * The Imperial Ottoman delegation can not at the present time take part in any engagement as regards the conversion mentioned in Article 6.¹

CONVENTION IX

Chile. Under the reservation of Article 3 made at the fourth plenary session of August 17.

Extract from the procès-verbal:

The delegation of Chile makes reservation as to Article 3.²

France. Under reservation of the second paragraph of Article 1.

Germany. Under reservation of Article 1, paragraph 2.

Great Britain. Under reservation of the second paragraph of Article 1.

Japan. With reservation of paragraph 2 of Article 1.

CONVENTION X

China. Under reservation of Article 21.

¹Statement of Turkhan Pasha. *Actes et documents*, vol. i, p. 280.

²Statement of Mr. Domingo Gana. *Actes et documents*, vol. i, p. 90.

RESERVATIONS AT RATIFICATION

CONVENTION VIII (Continued)

Siam. Reservation maintained in the act of ratification.

Turkey. [Not yet ratified.]

CONVENTION IX

Chile. [Not yet ratified.]

France. Reservation maintained in the act of ratification.

Germany. Reservation maintained in the act of ratification.

Great Britain. Reservation maintained in the act of ratification.

Japan. Reservation maintained in the act of ratification.

CONVENTION X

China. Reservation maintained in the act of ratification.

RESERVATIONS AT SIGNATURE

CONVENTION X (Continued)

Great Britain. Under reservation of Articles 6 and 21 and of the following declaration:

In affixing their signatures to the above Convention, the British plenipotentiaries declare that His Majesty's Government understand Article 12 to apply only to the case of combatants rescued during or after a naval engagement in which they have taken part.

Persia. Under reservation of the right, admitted by the Conference, to use the Lion and Red Sun instead of and in the place of the Red Cross.

Turkey. Under reservation of the right admitted by the Peace Conference to use the Red Crescent.

CONVENTION XII

Chile. Under the reservation of Article 15 made at the sixth plenary session of September 21.

Cuba. Under reservation of Article 15.

Ecuador. Under reservation of Article 15.

Guatemala. Under the reservations made concerning Article 15.

Haiti. With reservation regarding Article 15.

Persia. Under reservation of Article 15.

Salvador. Under reservation of Article 15.

Siam. Under reservation of Article 15.

Turkey. Under reservation of Article 15.

Uruguay. Under reservation of Article 15.

RESERVATIONS AT RATIFICATION

CONVENTION X (Continued)

Great Britain. [Not yet ratified.]

Persia. [Not yet ratified.]

Turkey. [Not yet ratified.]

CONVENTION XII

Chile. [Not yet ratified.]

Cuba. [Not yet ratified.]

Ecuador. [Not yet ratified.]

Guatemala. [Not yet ratified.]

Haiti. [Not yet ratified.]

Persia. [Not yet ratified.]

Salvador. [Not yet ratified.]

Siam. [Not yet ratified.]

Turkey. [Not yet ratified.]

Uruguay. [Not yet ratified.]

RESERVATIONS AT SIGNATURE

CONVENTION XIII

China. [Not a signatory Power.]

Dominican Republic. With reservation regarding Article 12.

Germany. Under reservation of Articles 11, 12, 13 and 20.

Great Britain. Under reservation of Articles 19 and 23.

Japan. With reservation of Articles 19 and 23.

Persia. Under reservation of Articles 12, 19 and 21.

Siam. Under reservation of Articles 12, 19, and 23.

Turkey. Under reservation of the declaration concerning Article 10 contained in the *procès-verbal* of the eighth plenary session of the Conference held on October 9, 1907.

Extract from the procès-verbal:

The Ottoman delegation declares that the straits of the Dardanelles and the Bosphorus can not in any case be referred to by Article 10. The Imperial Government could undertake no engagement whatever tending to limit its undoubted rights over these straits.¹

United States. [Not a signatory Power.]

FINAL ACT²

Switzerland. Under reservation of *Vœu* No. 1, which the Swiss Federal Council does not accept.

¹Statement of Turkhan Pasha. *Actes et documents*, vol. i, p. 285.

²The Final Act, being a summary of the proceedings of the Conference, is not a conventional agreement and accordingly is not ratified.

RESERVATIONS AT RATIFICATION

CONVENTION XIII

China. Adhesion with reservation of paragraph 2 of Article 14, paragraph 3 of Article 19, and of Article 27.

Dominican Republic. [Not yet ratified.]

Germany. Reservation maintained in the act of ratification.

Great Britain. [Not yet ratified.]

Japan. Reservation maintained in the act of ratification.

Persia. [Not yet ratified.]

Siam. Reservation maintained in the act of ratification.

Turkey. [Not yet ratified.]

United States. The act of adhesion contains the following reservation:

That the United States adheres to the said Convention, subject to the reservation and exclusion of its Article 23 and with the understanding that the last clause of Article 3 thereof implies the duty of a neutral Power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction.

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Abbreviations

- a....annex (*i. e.*, the Regulations annexed to the 1899 Convention II and 1907 Convention IV).
d....draft convention on a judicial arbitration court, being the annex to the 1907 Final Act.
f....Final Act.
(m)...modified (appears where articles of a 1907 convention are modified forms of same article in corresponding 1899 convention).
(n)...new (appears where articles are new, though the conventions in which they appear are revised from 1899 conventions).
p....preamble.

The Roman numerals refer to the numbers of the conventions as given in the Final Acts, pp. 25 and 26.

Italics refer to the article numbers of the various conventions.

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